DAVIS COUNTY BOARD OF HEALTH

TANNNING FACILITIES REGULATION

Davis
COUNTY
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 minimum standards to operate a tanning facility.

2.0 SCOPE

This regulation is applicable to any commercial use of tanning devices available 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 (UAC) R392-700 Indoor Tanning Bed Sanitation are hereby adopted by reference and incorporated subject to the additions, clarifications, exceptions, and modifications set forth in this regulation.

4.0 DEFINITIONS

4.1 DEPARTMENT: The Davis County Health Department.

4.2 OPERATOR: A Tanning Facility Owner, an agent of a Tanning Facility Owner, or a Person who operates a Tanning 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.

4.4 TANNING DEVICE: Equipment to which a Tanning Facility provides access that emits electromagnetic radiation with wavelengths in the air between 200 and 400 nanometers and is used for tanning of the skin, including a sunlamp and a tanning booth or bed. A phototherapy device is not included as a Tanning Device.

4.5 TANNING FACILITY: A commercial location, place, area, structure, or business that provides access to a Tanning Device.

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 Tanning Facility without a valid operating permit issued by the Department.

5.2.1 Validity.
Operating permits shall be valid for one (1) year.

5.2.2 Late Fees.
A late fee may be assessed every 30 days.

5.2.3 Permit Contact Information.
A permit holder shall notify the Department in writing within ten (10) days of any change of contact information.

5.2.4 Permits Not Transferable.
A permit may not be transferred from one Person to another Person, nor from one Tanning Facility to another.

5.3 Enforcement

It is unlawful for any Person not to comply with this regulation or to interfere with the Department in the performance of its duties.

5.3.1 Closed to Operations.
A Tanning Facility may be closed by the Department if the facility is operating with an imminent health hazard present.

5.3.2 Follow-Up Inspection.
A follow-up inspection may be required for any notice issued by the Department.

5.3.3 Suspension of a Permit.
A Tanning Facility's permit to operate may be suspended if the facility has violated any of the provisions of this regulation.

5.3.3.1 A Tanning Facility with a suspended permit may resume operations only after receiving approval from the Department.

5.3.4 Notice of Violation.
A notice of violation may be issued to any Person operating without a valid permit as required by this regulation.

5.3.4.1 A follow up inspection may be required for any notice issued.

5.3.5 Revocation of a Permit.
The Davis County Board of Health may revoke a Tanning Facility's permit to operate if the facility has violated 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	Tanning Facility Operating Permit:	$100.00
8.2	Tanning Facility Plan Review/Site Review:	$100.00
8.3	Permit Late Fee:	$100.00
8.4	Follow-Up Inspection:	$100.00

IN WITNESS WHEREOF, the Davis County Board of Health has passed, approved and adopted this regulation this 14th day of February, 2006.

Effective date: February 14, 2006.

Revised and Amended: **March 13, 2007**

Revised and Amended: **November 8, 2011**

Revised and Amended: **August 14, 2012**

Revised and Amended: **May 12, 2015**

Revised and Amended: **November 10, 2020**

Davis County Board of Health

Signed: _____
Troy Wood
Board Chairman

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