

IOWA COUNTY ORDINANCE NO. 33

TITLE: AN ORDINANCE ESTABLISHING MINIMUM REQUIREMENTS FOR TANNING FACILITIES IN IOWA COUNTY, IOWA.

Be it enacted by the Board of Supervisors of Iowa County, Iowa:

SECTION 1. Purpose. The purpose of this ordinance is to adopt and establish minimum requirements for tanning facilities in Iowa County, Iowa, and to provide penalties for violations thereof.

SECTION 2. State Guidelines. All Iowa Administrative Code regulations regarding tanning facilities and in particular Chapter 641-46 of the Iowa Administrative Code entitled "Minimum Requirements for Tanning Facilities", including any future amendments thereto are hereby adopted in their entirety and shall be considered part of this Ordinance.

SECTION 3. Rules. This Ordinance is only applicable to tanning facilities located within Iowa County, Iowa. The State rules referred to and incorporated herein are the rules that are required to either obtain and/or maintain all applicable permits for tanning beds.

SECTION 4. Inspections.

a) Inspections of tanning facilities shall be conducted annually.

b) Inspection Cost.

(1) An inspection cost of \$50.00 per tanning device shall be billed to the permit holder of a tanning facility up to a maximum of \$500.00 per facility.

(2) The inspection cost shall be due and payable upon receipt of the inspection being completed.

(3) All inspection costs shall be paid within 45 days of the date of billing of said costs to the facility and all delinquent payments for said inspections beyond said 45 days shall be assessed a \$35.00 penalty for each month or fraction thereof that the bill remains delinquent.

c) 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 the State administrative rules.

SECTION 5. Violations. It is a violation of this Ordinance for a tanning facility not to follow the rules and regulations of the Iowa Administrative Code relating to

tanning facilities, and in addition it is also a violation of this Ordinance for an operator or owner to not respond to a notice of violation issued to the facility within 30 days of the date of inspection and failing to correct said violation(s) cited during the inspection within said 30 days.

SECTION 6. 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 not more than \$625.00 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 to exist, constitutes a separate offense.

SECTION 7. 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.

SECTION 8. Enforcement. This Ordinance shall be enforced in its entirety by the Iowa County Board of Health.

SECTION 9. 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 AND ADOPTED by the Iowa County Board of Supervisors on this 5th day of June, 2020.