

## **ORDINANCE NO. 49**

### **AN ORDINANCE RELATED TO MINIMUM REQUIREMENTS FOR TANNING FACILITIES IN APPANOOSE COUNTY, IOWA**

- I) **Title:** Rules relating to minimum requirements for tanning facilities in Appanoose 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 and to disseminate other rules relating to tanning facilities and to provide for the enforcement thereof.
  - a) 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 Appanoose County, Iowa, and are required to either obtain and maintain all applicable permits for their tanning beds.
- IV) **Inspections:**
  - a) Inspections shall be conducted annually.
  - b) **Inspection Cost.**
    - (1) An inspection cost of \$50.00 per tanning device shall be billed to the permit holder up to a maximum of \$500.00 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:
      - 1. Failure to respond to a notice of violation within 30 days of the date of inspection.
      - 2. Failure to correct violations cited during the inspection.
  - 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 these rules.

- 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 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 by the defendant to exist, 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 ADLM.
- 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 AND ADOPTED by the Appanoose County Board of Supervisors  
this 3<sup>rd</sup> day of September, 2019.

APPANOOSE COUNTY BOARD OF SUPERVISORS

Mack Waite  
Chairperson

[Signature]  
Vice-Chairperson

Linda Demuy  
Member

ATTEST:

Kelly Howard  
Appanoose County Auditor