

CHAPTER 22. LICENSING; BUSINESSES & SERVICES

ARTICLE VI. Tanning Salons

Section 22-291. **Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Employee means the person designated by the licensee/permittee for the facility to assist and instruct the public in the correct operation of the tanning facility.

Fee means amount charged to any individual or group of individuals in exchange for use of a tanning facility or facilities whether direct or by virtue of membership or access.

Other compensation means payment or exchange of goods or anything of value for use of the tanning facility or facilities.

Patron means any member of the public who is provided access to a tanning facility in exchange for a fee or other compensation or any individual who in exchange for a fee or other compensation is afforded use of a tanning facility as a condition or benefit of membership or access.

Tanning equipment means the sun lamp products and ultra-violet lamps intended to induce sun tanning through the irradiation of any part of the living human body.

Tanning facility means a room or booth, or suite of rooms under one management at one address, which house ultra-violet lamps or products containing such lamps intended for the irradiation of any part of the living human body for cosmetic or non-medical related purposes.

Section 22-292. **Facilities and equipment.**

- (a) Users shall, on each visit, be provided, free of charge, with sanitary eyewear that will protect eyes from ultra-violet radiation and allow adequate vision necessary to maintain balance.
- (b) The operator shall inspect the facility to ensure that the floors are dry. Such floors are to be made dry prior to each individual's use.
- (c) The operator shall post signs and supply handouts warning consumers of the potential effects of radiation on persons taking medication and the possible relationship of radiation to skin cancer.
- (d) The operator shall be responsible for manufacturer specified sanitizing procedures for all sun lamp equipment between every use.
- (e) Convenient toilet facilities and dressing rooms shall be provided with all tanning facilities. Toilet facilities shall include a water closet and hand washing sinks. Toilet facilities and dressing rooms shall be clean and in working order at all times.

- (f) All tanning rooms, booths and cubicles or other areas where patrons utilize tanning equipment will be so equipped and constructed so as to provide complete privacy to the patron. No licensee, or employee, shall intentionally view, photograph or videotape any tanning patron while in a tanning room, booth, cubicle or other area, nor shall allow any other person to do so.

Sections 22-293 thru 22-310. Reserved.

Section 22-311. License Required.

No person, partnership or corporation shall engage or carry on an operation of a tanning facility used by the public for a fee or other compensation without a license issued by the city council for each and every separate office or place of business operated by such person in the city.

Section 22-312. Application.

- (a) Every applicant for a license required by this article shall file an application under oath with the city upon a form provided by the office of the city manager, and pay an application fee in the amount determined by the council. No application fee shall be refunded. The application, once accepted, shall be referred to the city building official and city fire marshal for investigation. Copies of the application shall be forwarded to such other city departments as the city council shall deem necessary for verification and investigation of the facts set forth in the application. The building official and fire marshal shall make a written recommendation to the city council as to the issuance or nonissuance of the license within 30 days. The council may order and conduct such additional investigation as it deems necessary.
- (b) Each application shall include the following information:
 - (1) Applicant/owner's full name, date of birth, mailing address and all telephone numbers. The term "applicant" includes all partners of a partnership and the officers and managing agents of the corporation.
 - (2) The name of the tanning facility and a complete description of services to be provided.
 - (3) Copies of identifications, such as driver's license and social security card of applicant/owner.
 - (4) Name, address and date of birth of each employee who will be employed in such establishment.
 - (5) A description of any other business to be operated on the same premises or on adjoining premises owned or controlled by the applicant/owner.
 - (6) Authorization for the city, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the license.
 - (7) Such other identification and information as required by the city necessary to discover the truth of the matters specified in this article as required to be set forth in the application.

- (c) If the owner/operator operates more than one such tanning facility, the owner/operator shall file a separate application and fee for each facility owned or operated. Within 30 days of receipt of such application, the building official and fire marshal shall complete the initial inspection of the premises of such tanning facility and insure that the premises and tanning facility is installed and will be operated in accordance with this article.
- (d) In the event of a change of ownership, the new owner will be required to apply for a license to own and operate such a tanning facility within 30 days after taking possession of the property.

Section 22-313.

Conditions governing issuance.

- (a) No license shall be issued if the applicant or any of its owners, employees or agents has been convicted of a felony.
- (b) No license shall be issued if the applicant or any of its owners, employees or agents has been convicted of any offense which involves moral turpitude or which directly relates to the applicant's ability, capacity or fitness to perform the duties, and discharge the responsibilities of the licensed activities.
- (c) Licenses shall be issued only to applicants who have not, within two years prior to the date of application, been denied licensure or who have not, within such period, had their license revoked.
- (d) Licenses shall be issued only to applicants who have fully answered all the information requested in the application, have paid the full license fee, and have cooperated with the city in review of the application.
- (e) If the applicant is a natural person, the license shall be granted only if such person is 18 years of age or older.
- (f) Licenses may be granted only for locations in such commercial districts in which such conduct is properly zoned pursuant to the provisions of this Code. Licenses shall be granted only to businesses which can meet the safety, sanitary and other building code requirements of the city.

Section 22-314.

License fee.

The fee to be paid to the city for a license for a tanning facility shall be as established by the council.

Section 22-315.

Renewal; nontransferability.

- (a) The license issued by the city pursuant to this article shall be renewed each year on or before January 1.
- (b) The license issued under this article is valid only for the location stated on the license and is not transferable.

Section 22-316.

Display of license.

The license shall be displayed in a conspicuous place on the premises of the tanning facility.

Section 22-317. Suspension and revocation.

Any license issued under this article may be revoked, suspended or not renewed by the city council upon a showing that the licensee, its owners, employees or agents, have engaged in any of the following conduct:

- (a) Maintained unsanitary or other conditions in the operation of this facility, which in the health officer's judgment, constitute a substantial hazard to the public health.
- (b) Engage in fraud, deception or misrepresentation in connection with the securing of the license.
- (c) Engage in any conduct which would constitute grounds for refusal to issue a license.
- (d) Engage in conduct adversely affecting the public health, safety and welfare.
- (e) Failing to comply with any of the requirements pursuant to section 22-292.

Sections 22-318 thru 22-340. Reserved.