



Aquatic and Recreational Facilities Code

Tanning Facilities

Department of Community Health and The Environment
Division of Public Health
Environmental Public Health Program

The following is an abbreviated version of the *St. Charles County Aquatic and Recreational Facilities Code* (SCC ARC). A complete version of the SCC ARC can be viewed on the web at www.scchealth.org under the environmental public health section.

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TITLE II: PUBLIC HEALTH, SAFETY & WELFARE
CHAPTER 233: AQUATIC AND RECREATIONAL FACILITIES CODE

ARTICLE I. GENERAL PROVISIONS

Section 233.005 Title, Intent, Scope

- A. These provisions shall be known as the St. Charles County Government Aquatic and Recreational Facilities Code, hereinafter referred to as 'this Code'.
- B. The purposes of this Code is to safeguard public health and provide to consumers of aquatic and recreational facilities a safe environment from disease and physical dangers.
- C. This Code establishes definitions, and contains the minimum requirements for the design and operation of aquatic centers and recreational facilities. Procedures for the approval of plans, design criteria and acceptable practices are featured. The criteria are based on current information, engineering principles and public health practices. Where adequate standards do not exist and this code does not provide sufficient guidance for consideration of innovations in design, construction, and operation of proposed aquatic centers, the department will establish requirements necessary to protect the health and safety of the aquatic center patrons.
- D. Where such terms as "shall" and "must" are used, they are to mean a mandatory requirement. Other terms such as "should," "recommended," "preferred," and the like indicate discretionary requirements and deviations which are subject to individual consideration



ARTICLE XIV. TANNING CENTERS

Section 233.880 Purpose and Applicability of Article XIV.

- A. The purpose of this Article is to set forth permitting procedures and the requirements for maintenance and operation of tanning facilities in a way that will protect and promote the public health, safety, and welfare; and prevent the spread of disease.
- B. This Article applies to individuals operating or using tanning equipment in a tanning facility. This regulation shall not apply to a physician or chiropractor licensed by the State of Missouri who uses tanning equipment in the practice of medicine or chiropractic. This regulation shall not apply to an individual who owns tanning equipment exclusively for personal non-commercial use.

Section 233.890 Definitions

- A. For the purposes of this Article, the following terms, phrases, and words shall have the meanings herein expressed:
 - (1). "Clean" shall mean the condition of being free from readily noticeable dirt, soil, stain, left over food particles, or other materials not intended to be a part of the object in question.
 - (2). "Department" shall mean the St. Charles County Department of Community Health and the Environment.
 - (3). "Director" shall mean the Director the St. Charles County Department of Community Health and the Environment or his or her designated representative.
 - (4). "Operator" shall mean any person who leases or manages a tanning facility or temporary tanning facility; or any employee of a tanning facility certified to operate tanning equipment.
 - (5). "Owner" shall mean any person who alone, jointly, or severally with others:
 - (a). has legal title to any tanning facility or temporary tanning facility, with or without accompanying actual possession thereof; or
 - (b). has charge, care, or control of any tanning facility or temporary tanning facility, as legal or equitable owner, agent of the owner, lessee, or is an executor, executrix administrator, administratrix, trustee, or guardian of the estate of the owner.
 - (6). "Patron" shall mean any person who uses tanning equipment in a tanning facility.
 - (7). "Person" shall mean any individual; public or private corporation and its officers; partnership; association; firm; trustee; executor of an estate; the State or its departments, institutions, bureaus,



- or agencies; any municipal corporation, county, city, political subdivision, or any other legal entity recognized by law.
- (8). "Permit" shall mean a written form of authorization in accordance with this regulation.
 - (9). "Personal service station" shall mean a booth, table, or chair in which a personal service is provided. Examples include but are not limited to tanning booths or beds, massage tables, and hair stylist chairs.
 - (10). "Sanitary" shall mean the condition of being free from infective, physically hurtful diseased, poisonous, unwholesome, or otherwise unhealthful substances and being completely free from vermin, from the traces of either, and from an environment conducive to the growth of either.
 - (11). "Tanning Equipment" shall mean any device intended to induce skin tanning of any part of the body through ultraviolet radiation, including but not limited to, a tanning booth, tanning bed, or sun lamps.
 - (12). "Tanning Facility" shall mean any location place, area, structure, or business that, either as a sole service or in conjunction with other services, provides patrons access to tanning equipment.
 - (13). "Tanning injury" shall mean an injury or suspected injury which is reported to the tanning facility operator by the patron.
 - (14). "Ultraviolet Radiation" shall mean electromagnetic radiation that has a wave length between two hundred nanometers and four hundred nanometers in air.

Section 233.900 Permits and Plan Review.

- A. Facility Permits.
 - (1). No person shall operate a tanning facility without written approval and a corresponding valid Recreational Facility permit from the Department.
 - (2). No person shall operate a Temporary Tanning Facility without written approval and a corresponding valid Temporary Recreational Facilities Permit from the Department.

Section 233.910 Permit Application, Duration, and Renewal.

- A. Application for a Permit required in §233.900 of this Chapter shall be made upon a form provided by the Director.
- B. Permit application shall be made prior to commencement of operation of the tanning facility and a temporary tanning facility. Certificate application shall be made prior to operating tanning equipment.



Section 233.920 Permit Duration and Renewal.

- A. The Tanning Facility Permit shall be issued annually and shall expire one year from date of issuance. It is the responsibility of the owner or operator of the tanning facility and the individual tanning certificate holder to pursue their respective permit renewal through appropriate channels. The permit shall be renewable within 60 calendar days prior to the expiration date. The Temporary Tanning Facility Permit shall be valid for seven consecutive days beginning with the date written on the permit.

Section 233.930 Construction and Operation of Facilities.

- A. Unless otherwise ordered or approved by the Director, each facility shall be constructed, operated, and maintained to meet the following minimum requirements:
 - (1). Physical Facilities.
 - (a). Each tanning facility and temporary tanning facility shall have a toilet and a hand-washing sink with hot and cold water accessible to patrons provided with soap and single-use towels. All bathrooms shall be cleaned daily and a written log shall be kept on the premises and made available to the Department, any other regulatory authorities, or a member of the public upon request. This log shall include:
 - (i). Time and Date of cleaning
 - (ii). Name of individual who completed cleaning.
 - (b). The floors and walls in the toilet and hand-washing areas shall be constructed of smooth, non-absorbent material.
 - (c). All areas of the tanning facility and temporary tanning facility shall be ventilated with at least six air changes per hour.
 - (d). All rooms of a tanning facility shall be capable of being illuminated to allow for proper cleaning and sanitizing.
 - (e). Only tanning equipment manufactured in accordance with the specifications set forth in 21 C.F.R. 1040.20 "SUNLAMP PRODUCTS AND ULTRAVIOLET LAMPS INTENDED FOR USE IN SUNLAMP PRODUCTS" shall be used for tanning. The exact nature of compliance shall be based upon the standard in effect at the time of manufacture shown on the tanning equipment identification label (as required by 21 C.F.R. 1010.3).
 - (f). The timer system shall follow the requirements outlined in 21 C.F.R. 1040.20(c)(2) (paraphrased here for convenience.) Each sunlamp product shall incorporate a timer system with multiple timer settings adequate for



the recommended exposure time intervals for different exposure positions and expected results of the products as specified. The maximum timer interval(s) shall not exceed the manufacturer's recommended maximum exposure time(s). No timer interval shall have an error greater than 10 percent of the maximum timer interval of the product. The timer shall not automatically reset and cause radiation emission to resume for a period greater than the unused portion of the timer cycle, when emission from the sunlamp product has been terminated.

- (g). Tanning equipment temperature shall be maintained below 100° Fahrenheit (38° Centigrade) during its operation.
- (h). Tanning equipment shall meet the National Fire Protection Association's National Electric Code. There shall be ground fault protection on the electrical circuit of tanning equipment.
- (i). There shall be physical barriers to protect people from injury induced by touching or breaking tanning equipment lamps.
- (j). Additional requirements for stand-up booths:
 - (i). There shall be physical barriers or other methods, such as handrails or floor markings to indicate the proper exposure distance between ultraviolet lamps and the patron's skin.
 - (ii). The construction of the tanning equipment shall be such that it will have the strength to withstand the stress of use and the impact of a falling person.
 - (iii). Hand rails and non-slip floors shall be provided for safe entry to and exit from tanning equipment.

Section 233.940 Cleaning and Maintenance.

- A. Every portion of the tanning facility, including equipment and apparatus, shall be kept sanitary and maintained in good repair. A written log shall be kept on the premises and made available to the Department, any other regulatory authorities, or a member of the public upon request. This log shall include:
 - (i). Time and Date of cleaning
 - (ii). Name of individual who completed cleaning.
- B. The operator shall clean and sanitize the tanning equipment and protective goggles after each use. At the request of the patron, sanitizer and instructions on its proper use shall be provided to allow re-sanitization.



- C. Sanitization shall be carried out using U.S. Environmental Protection Agency (E.P.A.) registered sanitizer and used in accordance with the E.P.A. approved label.
- D. Defective or burned out lamps or bulbs in tanning equipment shall be replaced with a lamp or bulb intended for use in the tanning equipment and shall be of the same spectral UV distribution found on the manufacturer's specification plate.
- E. If towels or other linens are provided, they shall be cleaned and sanitized after each use. All clean towels shall be stored in a closed container.
- F. Soiled towels shall be placed in closed hampers or containers.

Section 233.950 Operation.

- A. No tanning facility operator or owner shall allow a patron to tan unless that patron has been provided a form containing the following information:
 - (1). A reasonably representative list of potential photosensitizing drugs and agents;
 - (2). Information regarding potential negative health effects related to ultraviolet exposure, including:
 - (a). The increased risk of skin cancer later in life;
 - (b). The increased risk of skin thinning and premature aging; and
 - (c). The possible activation of some viral conditions.
 - (3). Skin sensitivity; information on how different skin types respond to tanning;
 - (4). An explanation of the need to use eyewear with both ultraviolet-A (UVA) and ultraviolet-B (UVB) systems, and that closing the eyes is not sufficient to prevent possible eye damage;
 - (5). Information that tanning may be inadvisable during pregnancy; and
 - (6). Other relevant medical information as determined by the Department.
 - (a). After providing the required information and giving the patron the opportunity to read the information and ask questions, the operator shall request that the patron sign and date the form indicating that he or she has read and understood the information provided. The operator is required to have patrons review, sign, and date a new form each year. Forms must be kept at the tanning



facility and available for inspection at the Director's request.

- (b). The following warning sign shall be conspicuously posted in the immediate proximity of every unit of tanning equipment: "DANGER- Ultraviolet radiation. Follow instructions. Avoid overexposure. As with natural sunlight, overexposure can cause eye and skin injury and allergic reactions. Repeated exposure may cause premature aging of the skin and skin cancer. FAILURE TO USE PROTECTIVE EYEWEAR MAY RESULT IN SEVERE BURNS OR LONG-TERM INJURY TO THE EYES. Medications or cosmetics may increase your sensitivity to the ultraviolet radiation Consult physician before using sunlamp if you are using medications or have a history of skin problems or believe yourself especially sensitive to sunlight. If you do not tan in the sun, you are unlikely to tan from the use of this product."
- (c). All warning signs must be legible and clearly visible.
- (d). Cleaned and sanitized goggles shall be provided to each patron at the time of tanning.
- (e). A written report of any tanning injury shall be forwarded to the Department within 5 working days of the owner or operator becoming aware of its occurrence. The report shall include:
 - (i). The name and location of the tanning facility involved;
 - (ii). The nature of the injury; and
 - (iii). Any other information considered relevant to the tanning equipment involved.
- (f). Before a minor uses any tanning equipment, the minor shall provide the tanning facility operator a consent form signed by a parent or guardian of the minor. A minor is defined as an individual 17 years of age or younger.
- (g). The parent or legal guardian shall sign the consent form in the presence of the owner or a certified tanning equipment operator, indicating that he or she has read and understood the warnings required under §233.950(A).

Section 233.960 Inspections and Investigations

- A. To ensure compliance, the Department has the authority to perform inspections, investigations, reviews, and other actions as necessary.



Section 233.970 Authority for Department to Enter Premises.

- A. Regulated Commercial Premises. Upon presenting proper identification, authorized representatives of the Department may enter upon the premises of properties regulated by the Department to perform routine inspections to ensure compliance with this Chapter.

- B. Consent by License or Permit: The Department may require licensees or permittees to consent to access for inspections as part of their license or permit. Failure to allow access for inspections as set out in the license or permit may result in the suspension or revocation of the license or permit.

- B. Every tanning center shall display, without obstruction in a conspicuous place designated, designed and supplied by the Department:
 - (1). Notice stickers/placards that inform the public that the establishment is subject to inspection by the Department.
 - (2). Sign giving information on filing a complaint about the sanitation of the shop and practitioner with the Department.
 - (3). Notification to the public that the most recent inspection report and current cleaning schedule records are available for public viewing.

Section 233.972 Tanning Facility Follow-Up Inspection Fee.

- A. The Department will charge a follow-up fee to a Tanning Facility Permit holder when conditions found during an inspection require a follow-up inspection to ensure compliance. The fee for a tanning facility follow-up inspection is found in Article XV., of this Code.



ARTICLE XV. PERMITS REQUIREMENTS

The Council hereby adopts Article XV. of this code relating to permit, reinspection, late renewal fees and exemptions with the following provisions:

Section 233.980 Permit Year, Fees And Exemptions.

- A. The permit year is January first (1st) through December thirty-first (31st) and may be issued for any portion thereof to a new aquatic center or recreational facility or one that is reapplying after final suspension or revocation. All existing aquatic centers or recreational facilities holding permits must complete annual renewal, including payment of the yearly permit fee and any outstanding penalty fees for prior late payments of permit fees imposed pursuant to this provision, no later than December thirty-first (31st) of each current permit year. Fees and renewal requests must be postmarked no later than December thirty-first (31st) or a penalty fee of fifty dollars (\$50.00) per month will be assessed, in addition to the yearly permit fee. Fees are not pro-rated.
- B. The fee structure for a permit is as follows:
 - (1). Aquatic center (with only one aquatic unit): one hundred fifty dollars (\$150.00)
 - (2). Aquatic center (with multiple aquatic units): fee structure in §233.980 (B)(1) and additional seventy five dollars (\$75.00)
 - (3). Reserved.
 - (4). Recreation facility: seventy five dollars (\$75.00)
 - (5). Temporary Recreational Facility: forty five dollars (\$45.00)
 - (6). Religious, educational, non-profit, fraternal or civic organizations (excluding social or country clubs): seventy five dollars (\$75.00)
- C. The fee structure for plan review is as follows:
 - (1). Aquatic center: one hundred dollars (\$100.00)
 - (2). Reserved.
- D. All fees under this Section shall be paid to the Department for deposit with the Department of Finance of St. Charles County.
- E. The fee structure for a follow-up inspection is as follows:
 - (1). Aquatic center: thirty five dollars (\$35.00)
 - (2). Reserved.
 - (3). Recreational facility: thirty five dollars (\$35.00)
- F. A person reapplying for a permit after a final suspension or revocation shall pay the appropriate renewal fee including penalty fees for late payment that may be imposed pursuant to this Section upon reapplication.



- G. This section's requirements for fees for permits shall not apply to any incorporated city, town or village owning or operating any aquatic or recreational facility in St. Charles County.



