

# **BOROUGH OF MANVILLE**

## **NOTICE**

Notice is hereby given that the foregoing Ordinance was introduced at a meeting of the Board of Health of the Borough of Manville, in the County of Somerset, on the third day of March, 2004, and passed on first reading and the same was then ordered to be published according to law; and that such ordinance will be further considered for final passage at a meeting of said Board, 325 No. Main Street, on the 7th day of April, 2004, at 7:30 p.m., at which time and place, or at any time and place to which such meeting shall be adjourned, all persons interested will be given an opportunity to be heard concerning such ordinance.

By order of the Board of Health of the Borough of Manville, in the County of Somerset.

Steven T. Krajewski, Health Officer

## **AN ORDINANCE**

### **AN ORDINANCE TO ESTABLISH PROCEDURES FOR THE LICENSURE, INSPECTION AND CONTROL OF NON-MEDICALLY RELATED TANNING FACILITIES IN THE BOROUGH OF MANVILLE**

#### **1) LICENSE REQUIRED**

No person, organization or corporate entity shall establish, maintain or operate a tanning facility intended for the purposes of exposing parts of the living human to ultraviolet radiation, in the Borough of Manville, without first having obtained from the Board of Health, a valid license to do so. Such license shall be posted in a conspicuous location near the public entrance of the facility.

#### **2) APPLICATION FOR LICENSURE -- FEES**

A. Each person, organization or corporate entity operating a tanning facility at the time of enactment of this ordinance shall apply to the Board of Health for licensure of such facility within thirty (30) days following the effective date of this ordinance or thereafter prior to the operation of a tanning facility.

B. Application for such license shall be made on forms approved by the Board of Health. Applications must be received by the Board prior to December 15 of each year. Applications shall include the following information;

1. Name, address and telephone number of applicant (owner).
2. Name, address and telephone number of tanning facility.

3. Name, address and telephone number of manufacturer, distributor and service agent.

4. Type and year of manufacture of equipment proposed to be used for tanning purposes. "Type" information to include whether equipment uses bulbs which emit ultraviolet radiation in the wavelengths between 320 and 400 nanometer (UVA), or wavelengths between 260 and 320 nanometers (UVB).

5. Exact location of tanning facility and equipment including sketch of business areas.

6. Operating procedures to be used at the facility to include; business hours, sanitizing procedures, medical screening and tanning exposures protocols, staff training procedures and other emergency safety precautions.

C. Separate applications shall be filed for each tanning facility proposed to be operated.

D. Licenses shall expire annually on the 31st day of December.

E. Annual license fees is set at \$200.00 and shall be submitted in full with the application to the Board of Health.

F. License issuance and subsequent renewals shall be based on compliance with the standards established herein as determined by a minimum of one (1) inspection per licensing year conducted by a duly authorized representative of the Board of Health.

G. In the event of change of ownership, the new owner shall apply for a new license at least ten (10) days prior to operation. Licensed operators are required to notify the Board of Health at least thirty (30) days prior to selling the tanning facility.

### **3) STANDARDS FOR LICENSURE AND OPERATORS**

#### **A. PHYSICAL FACILITIES**

1. Each tanning unit shall have a prominently displayed, easily legible, permanent warning sign which states:

**"DANGER -- ULTRAVIOLET RADIATION"  
FOLLOW ALL INSTRUCTIONS**

Over exposure can cause sunburn and eye injury; repeated exposure can cause premature aging of the skin and skin cancers. The following may increase over-

sensitivity to ultraviolet light, medications or cosmetics applied before tanning, family history of skin problems, allergy to sunlight, and a tendency to get cold sores. **Consult a physician before using tanning unit if taking any medications or if you believe yourself sensitive to sunlight.**

**FAILURE TO USE PROTECTIVE EYEWEAR MAY RESULT IN SEVERE BURNS OR LONG-TERM INJURY TO THE EYES.**

2. Each tanning unit shall be provided with physical markings, handrails or other barriers to assure the user is kept at the proper exposure distance.

3. Every tanning unit shall be equipped with an approved timing device which is in compliance with the requirements of 21 CFR Part 1040, Section 1040.20 (2) and which is accurate to plus or minus 10% and which is controlled either by the facility attendant or by automatic means which prevent any user access to controls.

4. Tanning units and immediate areas shall be maintained at an ambient temperature of less than 100 degrees Fahrenheit. Adequate ventilation shall be provided at all times to insure comfortable temperatures and humidity control.

5. All tanning equipment shall be installed in accordance with all applicable manufacturer's specifications and in accordance with all State and local building, fire and electrical code requirements.

6. Tanning units and all component parts thereof manufactured after May 7, 1980 shall meet or exceed the provisions of 21 CFR and all subsequent amendments.

7. All possible precautions shall be taken to prevent accidental electrical shocks from contact of equipment with skin moistened with perspiration.

8. Floors and surrounding surfaces shall be kept dry at all times and constructed of durable easily cleanable materials.

9. Ultraviolet lamps shall be physically protected from accidental breakage. Protection shall be sturdy enough to withstand the impact of a falling person. A screen or transparent cover shall be acceptable.

10. Tanning unit access routes shall be designed to facilitate rapid ingress and egress. Doors shall open outward.

**B. PROCEDURES/OPERATIONS**

1. All surfaces which come in human contact shall be sanitized with an approved sanitizing solution immediately after each use.

2. Each tanning unit user is to be provided with protective eyewear which is in conformance with the Food and Drug Administration's Final Rule on Sunlamp Products; Performance Standards (1040.20). Reusable eyewear is to be sanitized by complete immersion for at least one minute, in an approved sanitizing solution, (100 ppm chlorine or the equivalent) and then wiped dry with disposable,

single use paper towel. Individually maintained goggles are an acceptable alternative.

3. Prior to initial exposure, each customer shall be provided the opportunity to read a copy of the warning specified above (section 3.A.1). The operator shall then require that the consumer sign a statement that all safety information has been read and understood.

4. All towels and other linens provided to consumers shall be properly washed and sanitized in an approved manner between each use. Soiled towels and linens shall be stored in a durable, washable and lidded container until removed for laundering.

5. Written tanning exposure guidelines shall be established. Such guidelines must be in conformance with the current standards recognized by the tanning industry; equipment manufacturers and applicable regulatory and medical authorities.

6. Operators shall maintain complete and accurate files of all users. Files shall include at least the following; name, address, telephone number, emergency contact telephone, dates of all tanning sessions, exact length of exposure, list of medications currently used, allergies and other medical conditions which may impact on the safety of exposure. Files shall be made available to Health Department personnel during normal working hours for review as part of routine inspections of the facilities.

7. No minor under the age of 18 shall be allowed to use the tanning facility unless the minor is accompanied by the parent or legal guardian. The parent or legal guardian shall have been provided with the basic information required under section 3.A.1.

8. All employees of the facility shall be trained to assure that all operating and emergency procedures are understood, discussed with consumers and enforced at all times.

#### **4) SEVERABILITY**

In the event that any section, sentence or clause of this ordinance shall be declared unconstitutional by a court of competent jurisdiction, such declaration shall not in any manner prejudice the enforcement of the remaining provisions.

#### **5) VIOLATIONS AND PENALTIES**

Any person who violates any provision of or order promulgated under this ordinance established herein shall, upon conviction thereof, be liable to a penalty of not more than \$500.00 for each violation. Each day a violation continues shall constitute a separate offense.

#### **6) EFFECTIVE DATE**

This ordinance shall take effect 90 days after final publication as required by law.