

THE REGIONAL MUNICIPALITY OF PEEL

BY-LAW NUMBER 85-2012

A by-law to regulate commercial tanning facilities within the municipality.

WHEREAS it has been determined that ultraviolet (UV) radiation is a health hazard because it is a known carcinogen and a risk to the health of the inhabitants of the Region of Peel;

AND WHEREAS commercial tanning facilities are a source of exposure to UV radiation;

AND WHEREAS subsection 11(2) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, grants authority to Ontario municipalities to pass by-laws respecting the health, safety, and well-being of persons;

AND WHEREAS the Council of The Regional Municipality of Peel has by resolution passed on the 27th day of September, 2012, authorized the enactment of a by-law to regulate commercial tanning facilities within the municipality;

NOW THEREFORE the Council of the Region of Peel hereby ENACTS as follows:

DEFINITIONS

1. In this by-law:

“Customer” means a person who uses the services of a tanning facility.

“Medical Officer of Health” means the Medical Officer of Health for the Regional Municipality of Peel, duly appointed under the *Health Protection and Promotion Act*, R.S.O. 1990, c. H.7, as amended, and includes any appropriately delegated staff acting on his or her behalf;

“Operator” means an individual who:

- a) operates the tanning facility;
- b) assists a customer in the used of the tanning equipment; or
- c) instructs a customer in the used of the tanning equipment and tanning facility;

and includes an owner.

“Owner” means a person who owns the tanning facility business.

“Pathogen” means any organism that can cause human illness.

“Proof of age identification” means:

- a) a Canadian driver's license;
- b) a Canadian passport;
- c) a certificate of Canadian citizenship that contains the person's photograph;
- d) a Canadian permanent resident card;
- e) a Canadian Armed Forces identification card; or
- f) any other document that

- i) is issued by a federal or provincial authority or a foreign government, and
- ii) contains the person's photograph, date of birth, and signature.

"Protective eyewear" means a device that is worn by a user of tanning equipment to reduce the ultraviolet radiation reaching their eyes and that meets the specifications prescribed in Section 17 of the Radiation Emitting Devices Regulations (Tanning Equipment) (Canada).

"Sanitize" means the effective elimination of pathogens from surfaces of tanning equipment and protective eyewear by an approved product that provides a sufficient concentration of chemicals to eliminate pathogens after a specified contact time.

"Tanning equipment" means ultraviolet or other lamps intended to induce skin tanning through the irradiation of any part of the human body with ultraviolet radiation and equipment containing such lamps, including ballasts, starters, reflectors, acrylic shields, timers, and airflow cooling systems.

"Tanning facility" means any location, place, area, structure, or business that provides customers access to tanning equipment other than a physician's office or medical clinic. For the purpose of this definition, tanning equipment registered to different persons at the same location and tanning equipment registered to the same person, but at different locations, shall constitute separate tanning facilities.

"Ultraviolet radiation" means electromagnetic radiation with wavelength in air between one hundred nanometers and four hundred nanometers.

"Warning placard" means a placard prescribed by this by-law as shown in Schedule "A" attached to and forming part of this by-law.

APPLICATION

2. This by-law applies to all tanning facilities in the Region of Peel.

3. No person shall operate a tanning facility unless:

a. The premises and the tanning equipment used in the facility comply with the regulations contained in this by-law; and

b. The tanning equipment in the tanning facility complies with the regulations specified for tanning equipment under the *Radiation Emitting Devices Act (Canada)* and its Regulations.

SIGNAGE REQUIREMENTS

4. The operator shall post a warning placard, as illustrated in Schedule "A", in a conspicuous location within one meter of each unit of tanning equipment in the tanning facility. The placard shall have dimensions not less than 215.9 mm X 279.4 mm and shall be readily legible, clearly visible, and not obstructed by any barrier, equipment, or other item present so that the warnings can be easily viewed by customers prior to use of the tanning equipment.

PROTECTIVE EYEWEAR

5. The operator shall require customers to use protective eyewear during any use of the tanning equipment.

6. The operator shall provide protective eyewear for purchase or use to any customer without their own personal protective eyewear.

EQUIPMENT AND FACILITY REQUIREMENTS

7. An owner shall not operate a tanning facility within a residential dwelling.

8. The owner shall provide at all times, in the tanning facility, an adequate supply of hot and cold water for hand washing, operating, and cleaning purposes.

9. The owner shall ensure that the floors, walls, and ceilings of the tanning facility are made of materials that can be easily cleaned and the operator shall ensure that the said floors, walls, and ceilings are kept in a clean condition at all times.

10. The owner shall ensure that each unit of tanning equipment is designed for use by only one customer at a time.

11. An owner shall not provide any prepaid, self-service automated tanning equipment in the tanning facility.

12. The owner shall ensure that the tanning equipment is maintained in good repair to prevent any mechanical safety hazards.

SANITATION

13. The operator shall ensure that any previously used protective eyewear has been properly sanitized with a liquid disinfectant before it is provided to a customer. The operator must use a sanitizer intended and documented for use on protective eyewear.

14. The operator shall ensure to properly sanitize the tanning equipment, including handrails, headrests, and hard surfaces after every use by a customer.

15. An operator shall not require the customer to sanitize the tanning equipment or protective eyewear and shall not post any signs requesting that such sanitation be performed by the customer.

ACCESS BY YOUTH PROHIBITED

16. An operator shall not permit any person under the age of 18 to access any tanning equipment in the tanning facility.

17. An operator shall require that any person who appears to be under the age of 25 present proof of age identification before permitting access to tanning equipment.

OFFENSES AND PENALTIES

18. Every person other than a corporation who contravenes any provision of this by-law is guilty of an offence and on conviction is liable, for every day or part thereof upon which such offence occurs or continues, to a fine of not more than \$10,000 for a first offence and not more than \$25,000 for any subsequent conviction.

19. Every corporation which contravenes any provision of this by-law is guilty of an offence and on conviction is liable, for every day or part thereof upon which such offence occurs or continues, to a fine of not more than \$50,000 for a first offence and not more than \$100,000 for any subsequent conviction.

20. Without limiting any other section of this by-law, every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P.33.

21. In this by-law "subsequent conviction" means a conviction for an offence which offence occurs after the date of conviction for an earlier offence under this by-law.

22. Where any person contravenes any provision of this by-law, such person shall be responsible for all costs incurred by the Region directly related to the contravention.

23. Where any person contravenes any provision of this by-law, a municipal law enforcement officer, or public health inspector acting under the direction of the Medical Officer of Health may direct such person to comply with this by-law within a specified time. Every person so directed shall comply with such direction without delay and within the time specified, calculated from the day of such direction.

INSPECTIONS

24. A municipal law enforcement officer, or public health inspector acting under the direction of the Medical Officer of Health, may enter and inspect all buildings, structures or parts thereof that are subject to this by-law at any reasonable time for the purposes of determining whether there is compliance with this By-law.

IMPLEMENTATION DATES

25. This by-law shall come into full force and effect on January 1, 2013

SEVERABILITY OF SECTIONS

26. If any section or sections of this by-law, or parts thereof are found by any Court of competent jurisdiction to be illegal or beyond the power of Council to enact, such section or sections or parts thereof shall be deemed to be severable from this by-law and all other sections or parts of this by-law shall be deemed to be separate and independent therefrom and to be properly enacted and to be of full force and effect.

GENERAL

27. Schedule "A" attached hereto forms a part of this by-law.

This by-law may be referred to as the "Region of Peel's Tanning Facility By-law".

READ THREE TIMES AND PASSED IN OPEN COUNCIL this 27th day of September, 2012.

K. Lockyer

E. Kolb

Regional Clerk

Regional Chair

WARNING

- Overexposure to ultraviolet radiation (UV) causes skin and eye burns
- UV exposure can be hazardous to your health and, in the long term, can contribute to premature skin aging and skin cancer
- Use protective eyewear
- Follow operating instructions
- Drugs and cosmetics may increase UV effects
- UV effects are cumulative
- Greater risks are associated with early and repeated exposure

Adapted from the Radiation Emitting Devices Regulations, CRC, c. 1370 Part XI Tanning Equipment 5.(c)(iii)

PART I: PROVINCIAL OFFENCES ACT

Item	Short Form Wording	Provision creating or defining offence	Set Fine
1	Failure to post warning placard within one metre of tanning equipment	s. 4	\$500.00
2	Failure to require protective eyewear	s. 5	\$250.00
3	Failure to provide protective eyewear	s. 6	\$250.00
4	Operate tanning facility within a residential dwelling	s. 7	\$250.00
5	Failure to provide adequate supply of hot and cold water	s. 8	\$250.00
6	Unauthorized provision of prepaid, self-service automated tanning equipment	s. 11	\$500.00
7	Failure to sanitize protective eyewear	s. 13	\$250.00
8	Failure to sanitize tanning equipment	s. 14	\$250.00
9	Permit underage use of tanning equipment	s. 16	\$500.00
10	Failure to require proof of identification	s. 17	\$500.00

THE CORPORATION OF THE REGIONAL MUNICIPALITY OF PEEL

BY-LAW NUMBER 85-2012

A BY-LAW TO REGULATE COMMERCIAL TANNING FACILITIES WITHIN THE MUNICIPALITY

NOTE: the general penalty provision for the offences listed above is section 20 of the By-law 85-201