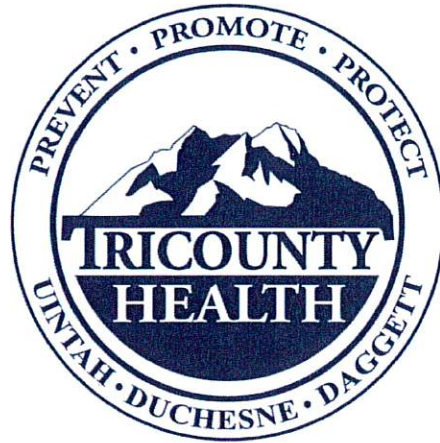




TRICOUNTY HEALTH DEPARTMENT
COSMETOLOGY FACILITY SANITATION

TCHD-HS-702

Adopted by the TriCounty Board of Health
Adopted: March 24, 2021

Enacted : July 1, 2021

Under Authority of Section 26A-1-114 Utah Code
Annotated, 1953, as amended

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1. Purpose

- 1.1. The purpose of this regulation is to protect and promote public health, and prevent disease with respect to cosmetology facilities within Duchesne, Uintah, and Daggett Counties, with the intent to clarify the application, inspection, permitting, and approval process.

2. Scope

- 2.1. This regulation is applicable within all incorporated and unincorporated areas of Duchesne, Uintah, and Daggett Counties. This regulation applies to any cosmetology facility as defined in R392-702. *Cosmetology Facility Sanitation*. This rule does not apply to cosmetology services performed in a residence on family and friends without advertisement or charge.

3. Authority

- 3.1. This regulation is adopted under the authority of the TriCounty Board of Health in accordance with Utah Code Annotated Section 26-1-5, 26-1-30, and 26-15-2. Utah Administrative Code R392-702 Cosmetology Facility Sanitation is hereby incorporated by reference with the following amendments:
- 3.1.1. R392-702-4 (1): Except as specified in Subsections R392-702-4(1)(a), this rule does not require a construction change in any portion of the cosmetology facility if the facility was operating in compliance with applicable laws and ordinances in effect prior to enactment of this rule. A cosmetology facility shall operate in full compliance with the rule after January 1, 2023.
- 3.1.2. ~~R392-702-4 (2): A cosmetology facility located in a private residence or dwelling shall be exempt from the requirements of Section R392-702-5.~~
- 3.1.3. A cosmetology facility must be supplied with approved potable water. A cosmetology facility in a residence is required to connect to a public water system or meet the non-public residential drinking water standards. Water hauling is not allowed. A cosmetology facility connected to a non-public water system must meet the commercial water requirements if it has the capacity to serve more than three clients at any one time.
- 3.1.4. Wastewater shall be discharged to public sewer or an approved wastewater treatment system.

4. Definitions

- 4.1. For the purpose of these rules, and unless defined in other sections, the terms, phrases, and words shall have the following meanings:
 - 4.1.1. "Department" means TriCounty Health Department.
 - 4.1.2. "Director" means the TriCounty Health Department Health Officer or his designee.
 - 4.1.3. "Operating permit" Written approval by the TriCounty Health Department to operate a cosmetology facility.

5. Permits

5.1. Permit Required

- 5.1.1. No facility shall allow any cosmetology services without a current, valid operating permit from the Department.

5.2. Application

- 5.2.1. Prior to opening a cosmetology facility, the operator shall submit a complete application to the (the Department). The department shall prescribe the form on which the information required under these regulations shall be submitted. Application shall be made within the following time periods:
 - 5.2.1.1. For approval for construction or modification of a permanent cosmetology facility, prior to the start of construction
 - 5.2.1.2. For a permit to operate a new cosmetology facility, prior to commencement of operation of the cosmetology facility
 - 5.2.1.3. For a permit to operate an existing cosmetology facility, prior to July 1, 2021 or at change of ownership.
- 5.2.2. Upon approval of the application, the Department shall issue an operating permit. Such permit shall expire on **January 1** of each year. The current operating permit shall be posted in public view.
- 5.2.3. Annual renewal fee and inspection are due prior to the expiration date of the current permit.

5.3. Permits.

- 5.3.1. No permit shall be transferable from one person to another or from one cosmetology facility to another.

5.3.2. Permit Fees.

5.3.2.1. All applicable fees must be paid

- 5.3.2.1.1. A late fee may be assessed in accordance to the current fee schedule.
- 5.3.2.1.2. Permit fees are non refundable. A cosmetology facility may request a refund in the event that an error occurred.
- 5.3.2.1.3. Fees shall be established by the TriCounty Board of Health and published in a fee schedule.

5.3.3. If the cosmetology facility is compliant with this rule and Utah Administrative Code R392-702, it will be issued an operating permit.

Suspension or revocation of permits

5.3.4. Any permit issued pursuant to these regulations may be suspended, or revoked by the Director for any of the following reasons:

- 5.3.4.1. Failure of the plans, or specifications to show that the cosmetology facility will be constructed, operated, or maintained in accordance with the requirements and standards set forth in *R392-702. Cosmetology Facility Sanitation*;
- 5.3.4.2. Submission of incorrect or false information in the application, plans, or specifications;
- 5.3.4.3. Failure to construct, operate, or maintain the cosmetology facility in accordance with the application, plans, and specifications approved by the Department;
- 5.3.4.4. Operation of the cosmetology facility in a way that causes or creates a nuisance or hazard to the public health, safety, or welfare
- 5.3.4.5. Violation of any rules and regulations, restrictions, or requirements outlined here or in *R392-702. Cosmetology Facility Sanitation*
- 5.3.4.6. Violation of any condition upon which the permit was issued;
- 5.3.4.7. Failure to pay the permit fee; or
- 5.3.4.8. Failure of the owner or operator of the *Cosmetology Facility* to allow the Department to conduct inspections to determine compliance with these regulations.

5.4. Inspection

5.4.1. **Inspections and Investigations. R392-702-13.**

- 5.5.1.1 (1) Upon presenting proper identification, the operator shall

cosmetology facility to perform inspections, investigations, and other actions as necessary to ensure compliance with Rule R392-702.

- 5.5.1.2 (2) The operator shall have access to all cosmetology facility space, including leased space, and shall provide the Local Health Officer with access to all cosmetology facility space.

5.5. Expiration

- 5.5.1. All cosmetology facility operating permits expire January 1.

5.7 Renewal

- 5.7.1 The owner or agent of the cosmetology facility must ensure that the file information at the Department is complete and accurate, applicable fees are paid, and inspections of the business are scheduled prior to expiration of the permits.

6. Enforcement

- 6.1 The Department may initiate legal action, civil or criminal, to abate any condition that exists in violation of these rules and regulations.
- 6.2 Any person, association, or corporation, and the officers of the association, or corporation, who is in violation of these rules and regulations either by failing to do those acts required herein or by doing a prohibited act, is guilty of a class B misdemeanor pursuant to Section 26A-1-123, Utah Code Annotated, 1953, as amended. If a person is found guilty of a subsequent similar violation within two years they are guilty of a class A misdemeanor pursuant to Section 26A-1-123, Utah Code Annotated, 1953, as amended.
- 6.3. In addition to other penalties imposed, any person found guilty of violating any of these rules and regulations shall be liable for all expenses incurred by the Department in removing or abating any nuisance, source of filth, cause of sickness or infection, health hazard, or sanitation violation.

7. Hearing

- 7.1 If any permit is denied, suspended, or revoked, the applicant may request a hearing within 10 calendar days of such action. The hearing shall be held before the Director within 10 calendar days after receipt of the request. Within 10 calendar days after the hearing, the Department shall send written notice to all parties of the decision of the Director and the reasons therefore.

8. **Closure**

8.1 If a local health officer deems a cosmetology facility or portion thereof to be an imminent health hazard, the cosmetology facility may be closed or its use may be restricted, as determined by the local health officer.

8.2 The operator shall restrict public access to the impacted area of any cosmetology facility closed or restricted to use by a local health officer within a reasonable time as ordered by the local health officer.

8.3 It shall be unlawful for an operator to allow the public to utilize any cosmetology facility or portion thereof that has been deemed unfit for use until written approval of the local health officer is given.

9. **Variance**

9.1 A variance may be granted from the provisions of this rule when the result of the variance meets the purpose and intent of this rule, and the variance will not create a health hazard. The variance shall not constitute a grant of special privilege, be based upon reasons of hardship caused by previous actions of the property owner, nor be granted for financial reasons alone.

9.2 A variance will not be granted when it would be detrimental to the public health, safety or welfare, or injurious to other property. In granting variances, the Director may require such conditions as will, in the Director's judgment, secure substantially the objectives of this rule.

9.3 Applicants or their representatives have the right to appeal any decision on a variance request.

ADOPTED BY THE TRICOUNTY BOARD OF HEALTH,

this 24 day of March, 2021.

Signed:



Chairman, TriCounty Board of Health