

34A-6-305 Injunction proceedings.

- (1) The district courts shall have jurisdiction, upon petition of the administrator to restrain any conditions or practices in any place of employment where danger exists which could reasonably be expected to cause death or physical harm immediately or before the imminence of such danger can be eliminated through enforcement procedures provided by this chapter. Any order issued under this section may require that necessary steps be taken to avoid, correct, or remove imminent danger or prohibit the employment or presence of any individual in locations or under conditions where imminent danger exists, except individuals whose presence is necessary to avoid, correct, or remove imminent danger or maintain the capacity of a continuous process operation so that normal operations can be resumed without a complete cessation of operations, or where cessation of operations is necessary, to permit such to be accomplished in a safe and orderly manner.
- (2) The district courts shall have jurisdiction upon petition to grant injunctive relief or temporary restraining orders pending the outcome of any enforcement proceeding pursuant to this act pursuant to Rule 65A, Utah Rules of Civil Procedure; provided, that no temporary restraining order issued without notice shall be effective for more than five days.
- (3) Whenever an inspector concludes that imminent danger exists in any place of employment, the inspector shall inform the affected employees and employers of the danger and that the inspector is recommending to the administrator that relief be sought.
- (4) If the administrator arbitrarily or capriciously fails to seek relief under this section, any employee who may be injured by reason of such failure, or the representative of such employees, may bring an action against the administrator in the district court of the county in which the imminent danger is alleged to exist or the employer has its principal office, for a writ of mandamus and for further appropriate relief.

Renumbered and Amended by Chapter 375, 1997 General Session