

641—46.6(136D) Inspections, violations and injunctions.

46.6(1) The director or an authorized agent shall have access at all reasonable times to any tanning facility to inspect the facility to determine if this chapter is being violated.

46.6(2) A person who operates or uses a tanning device or tanning facility in violation of this chapter or of any rule adopted pursuant to this chapter is guilty of a simple misdemeanor.

46.6(3) If the agency finds that a person has violated, or is violating or threatening to violate, this chapter and that the violation creates an immediate threat to the health and safety of the public, the agency may petition the district court for a temporary restraining order to restrain the violation or threat of violation.

If a person has violated, or is violating or threatening to violate, this chapter, the agency may petition the district court for an injunction to prohibit the person from continuing the violation or threat of violation.

46.6(4) On application for injunctive relief and a finding that a person is violating or threatening to violate this chapter, the district court shall grant any injunctive relief warranted by the facts.

46.6(5) Enforcement.

a. The department shall take the following steps or use county ordinances or any other applicable ordinances, resolutions, rules or regulations when enforcement of these rules is necessary.

- (1) Cite each section of the Iowa Code or rules violated.
- (2) Specify the manner in which the owner or operator failed to comply.
- (3) Specify the steps required for correcting the violation.
- (4) Request a corrective action plan, including a time schedule for completion of the plan.
- (5) Set a reasonable time limit, not to exceed 30 days from the receipt of the notice, within which the permit holder must respond.

b. The department shall review the corrective action plan and approve it or require that it be modified.

c. In cases where the permit holder fails to comply with conditions of the written notice, the agency shall send a regulatory letter, via certified mail, advising the permit holder that unless action is taken within five days of receipt, the case shall be turned over to the appropriate state/city/county attorney for court action.