§ 1395. Violations; temporary restraining order. 1. A violation of this chapter or of the sanitary code in the operation of a children's overnight, summer day, or traveling summer day camp shall constitute a public nuisance which may be enjoined or restrained.

2. When an officer has cause to believe that there has been a violation of this chapter or the sanitary code in the operation of a children's overnight, summer day, or traveling summer day camp which does not constitute a public health hazard as defined by the sanitary code, and that such violation has continued for more than three days after notice of the violation and demand for discontinuance and abatement thereof has been served in writing on the children's overnight, summer day, or traveling summer day camp operator in the manner prescribed for the service of summons set forth in the civil practice law and rules, an officer may:

(a) Conduct a hearing upon at least three days notice served on the camp operator in the manner prescribed for the service of summons as set forth in the civil practice law and rules, and

(b) Make a determination after such hearing with respect to the alleged violation or violations and have the power to assess a fine on the children's overnight, summer day, or traveling summer day camp operator not to exceed two hundred fifty dollars for each violation for each day succeeding the third day after the notice of violation and demand for discontinuance and abatement thereof has been given, and

(c) With respect to the hearing set forth herein the officer in accordance with the civil practice law and rules may: issue subpoena, compel the attendance of witnesses, and administer oaths to witnesses, and

(d) Make an ex parte application to the supreme court of the state of New York for a temporary restraining order which the court may grant when it determines that there is a violation which requires immediate relief.

3. When an officer has cause to believe that there has been a violation of this chapter or the sanitary code in the operation of children's overnight, summer day, or traveling summer day camp which constitutes a public health hazard as defined by the sanitary code, and

after notice of the violation has been served in writing on the children's overnight, summer day, or traveling summer day camp operator in the manner prescribed for the service of summons set forth in the civil practice law and rules, an officer may:

(a) Conduct a hearing upon at least fifteen days notice in accordance with the provisions of section twelve-a of this chapter served on the camp operator in the manner prescribed for the service of summons as set forth in the civil practice law and rules, and

(b) Make a determination after such hearing with respect to the alleged violation or violations and have the power to assess a fine on the children's overnight, summer day, or traveling summer day camp operator in accordance with the provisions of section twelve of this chapter for each violation, and

(c) With respect to the hearing set forth herein the officer in accordance with the civil practice law and rules may: issue subpoena, compel the attendance of witnesses, and administer oaths to witnesses, and

(d) Make an ex parte application to the supreme court of the state of New York for a temporary restraining order which the court may grant when it determines that there is a violation which requires immediate relief.

4. The officer may appoint one or more hearing officers as shall be necessary to do or perform in his place or stead the acts authorized by paragraphs (a) and (c) of subdivision two of this section. The hearing officer shall make findings of fact and submit recommendations to the officer.

5. An officer may institute proceedings to enjoin the continuance of such violation or the continued operation of such camp. No bond or undertaking shall be required of such officer in such proceedings and no application to vacate or modify any judgment obtained shall be entertained by any court without proof to such court that ten days notice of such application, and copies of the papers upon which the application is to be made, have been served upon such officer.

6. Nothing contained in this section shall be construed to limit the

duty or power of an officer to act with regard to an immediate threat to the health of the occupants of a children's overnight, summer day, or traveling summer day camp or the community in which it is located, or to alter or abridge any of the duties and powers now or hereafter existing in the commissioner, state district health officers, county boards of health, county commissioners of health or local boards of health.

7. Nothing contained in this section shall be construed to limit or preclude the officer from enforcing or pursuing any remedies or penalties available under this chapter or sanitary code with respect to violations which constitute a public health hazard as defined by the sanitary code, in the operation of the children's overnight, summer day, or traveling summer day camp, including, but not limited to, those remedies or penalties available under sections twelve, sixteen, two hundred six, two hundred twenty-nine, three hundred nine, and three hundred forty-eight of this chapter.