§ 305. Nuisances. 1. The term nuisance shall be held to embrace whatever is dangerous to human life or detrimental to health and shall include but not be limited to: (a) a public nuisance as known at common law, statutory law and in equity jurisprudence, and (b) a dwelling that, in violation of this chapter or of any other state or local law, ordinance or regulation, does not have adequate egress, safeguards against fire, adequate electrical service, installation and wiring, structural support, ventilation, plumbing, sewerage or drainage facilities, is overcrowded or inadequately cleaned or lighted and the condition constituting such violation is dangerous to human life or detrimental to health. All such nuisances are hereby declared to be unlawful.

2. Whenever the department shall declare that a dwelling is a nuisance, it shall serve a notice or order in the manner prescribed by section three hundred six of this chapter, reciting the facts constituting such nuisance, specifying in what respect the dwelling is dangerous to human life or detrimental to health and requiring the owner to remove such nuisance within thirty days after service of such notice or order or such lesser period of time where an emergency exists as may be determined by the department head. Such notice or order shall provide that, if the owner fails to remove such nuisance within such period for compliance so prescribed, the department may remove or cause the removal of such nuisance by cleansing, repairing, vacating, demolishing or by taking such other corrective action deemed necessary and shall notify the owner of his right to a hearing as hereinafter provided.

Wherever such notice is given, the owner may request a hearing before the head of the department charged with enforcement, and a hearing shall be given such owner prior to the expiration of the period for compliance so prescribed.

3. a. If such nuisance is not removed by the owner within the time heretofore prescribed after service of such notice or order, the department may proceed with the removal of such nuisance as provided in the notice or order.

b. If the owner refuses to permit the department to remove or cause the removal of such nuisance by cleansing, repairing, vacating, demolishing or by taking such other corrective action as may be necessary, or interferes in any way with the department or causes delay to the taking of corrective action, the department may cause such dwelling, in whole or in part, to be vacated and sealed up or vacated and demolished, but, in such case, the department shall commence a special proceeding in the supreme court for such relief. During the pendency of such proceeding, the department may obtain a temporary order for the immediate vacating of such dwelling, upon proof of a present danger to human life or detriment to health. In addition to the owner, all tenants, mortgagees and lienors of record shall be necessary parties to such special proceeding.

4. a. If the department proceeds to execute a notice or order issued by it or by the court for the removal of a nuisance, the department may let contracts therefor, in accordance with the provisions of any local laws, ordinances, rules and regulations of the municipality applicable to the letting of contracts for municipal improvements. The cost of executing such notice or order or orders whether or not carried out pursuant to court order shall be met from any appropriation made therefor, or if such appropriation has not been made or is insufficient, from the proceeds of the sale of obligations pursuant to the local finance law. The department shall keep a record of such notices and orders together with the acts done and the items of cost incurred in their execution.

b. The municipality shall have a lien upon the premises of the dwelling for the cost of executing such notice or order or orders for the removal of a nuisance and shall file a notice of such lien in the office of the clerk where notices of mechanics' liens are filed; and all proceedings with respect to such lien, its enforcement and discharge shall be carried on in the same manner as proceedings with respect to mechanics' liens under the lien law.

c. Notwithstanding the foregoing and in addition to any other remedy available, the department may maintain an action against the owner to

recover the cost of executing such notice or order or orders.