§ 370. Certain cities; duty in case of peril to public health. 1. In case of great and imminent peril to the public health of the city, it shall be the duty of the commissioner of health or health officer in cities having a population of less than one hundred seventy-five thousand, with the approval and consent of the common council or similar legislative authority if it be practicable to convene that authority for prompt action, or if not, when approved by the board of estimate and apportionment or authority of similar powers, to take such measures and to do, order or cause to be done such acts and to make such extraordinary expenditures, in excess of the sum appropriated to the department of health, as provided by law, for the preservation and protection of the public health of such city, as he may deem necessary and proper.

2. Such peril to public health shall be deemed to exist only when and for such period as the commissioner of health and board of estimate and apportionment in cities having a population of fifty thousand to one hundred seventy-five thousand, and in cities having a population of less than fifty thousand, the health officer and the board of estimate and apportionment or authority having similar power and the common council or similar legislative authority in a city having no board of estimate and apportionment or authority with similar power, shall determine.