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CHAPTER 154: HOUSING CODE

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GENERAL PROVISIONS

§ 154.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"BASEMENT." A portion of a building located partly underground, but having less than two-thirds of its floor-to-ceiling height below the average grade of the adjoining ground.

"BUILDING COMMISSIONER." The City Building Commissioner or his authorized representative.

"CELLAR." A portion of a building located partly or wholly underground, and having two-thirds or more of its clear floor-to-ceiling height below the average grade of the adjoining ground.

"DWELLING." Any building which is wholly or partly used or intended to be used for living or sleeping by human occupants; provided that "temporary housing" as hereinafter defined shall not be regarded as a dwelling. **"DWELLING"** shall be construed as though followed by the words "or any part thereof."

"DWELLING UNIT." Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating.

"DWELLING UNIT" shall be construed as though followed by the words "or any part thereof."

"EXTERMINATION." The control and elimination of insects, rodents, or other pests by eliminating their harborage places, by removing or making inaccessible materials which may serve as their food, by poisoning, spraying, fumigating, trapping, or by other recognized and legal pest elimination methods approved by the Health Officer.

"GARBAGE." The animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

"HABITABLE ROOM." A room or other enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers or communicating corridors, closets, and storage spaces.

"HEALTH OFFICER." The Public Health Officer having jurisdiction or his or her duly authorized representative.

"INFESTATION." The presence within or around a dwelling of any insects, rodents, or other pests.

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"MULTIPLE DWELLING." Any dwelling containing more than two dwelling units.

"OCCUPANT." Any person over one year of age living, sleeping, cooking or eating in, or having actual possession of a dwelling unit or rooming unit.

"OPERATION." Any person who has charge, care, or control of a building, or part thereof, in which dwelling units or rooming units are offered for rent.

"ORDINARY MINIMUM WINTER CONDITIONS." The temperature which is 15° F. above the lowest recorded temperature for the previous ten-year period.

"OWNER." Any person, who, alone or jointly, or severally with others:

(1) Shall have legal title to any dwelling unit, with or without accompanying actual possession thereof; provided, however, that whenever the dwelling or dwelling unit is subject to conditional sales contract, lease with option to purchase, or any other form of written contract under the terms of which any person is entitled to a conveyance of legal title upon payment of a specified sum, the term "owner" shall mean the person who shall have such contractual right, rather than the person who is holding legal title; or

(2) Shall have charge, care, or control of any dwelling or dwelling unit as executor, executrix, trustee, receiver, or guardian of the owner as defined in division (1) above. Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter to the same extent as if he were the owner. Any person acting as the agent of the owner shall not be construed to be the owner within the terms of this chapter, but shall be bound to notify the owner, by means of a registered letter addressed to the owner at his last known address, of any order or notice to be issued by the Health Officer or Building Commissioner relating to the property of the owner.

"PLUMBING." All of the following supplied facilities and equipment: gas pipes; gas burning equipment; water pipes; garbage disposal equipment; waste pipes; water closets; sinks; installed dishwashers; lavatories; bathtubs; shower baths; installed clothes- washing machines; catch basins; drains; vents; and any other supplied fixtures together with all connections to water, sewer, or gas lines.

"PREMISES." Shall be construed as though followed by the words "or any part thereof."

"ROOMING UNIT." Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping but not for cooking or eating purposes. **"ROOMING UNIT"** shall be construed as though followed by the words "or any part thereof."

"ROOMING HOUSE." Any dwelling or that part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to five or more persons who are not husband or wife, sister or brother, son or daughter, or father or mother of the owner or operator. **"ROOMING HOUSE"** shall be construed as though followed by the words "or any part thereof."

"RUBBISH." Combustible or noncombustible waste materials, except garbage; and the term shall include the residue from the burning of wood, coal, coke and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, leaves, tin cans, metals, mineral matter, glass, crockery, or dust.

"SUPPLIED." Paid for, furnished or provided by, or under the control of the owner or operator.

"TEMPORARY HOUSING." Any tent, trailer, or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure or to any utilities system on the same premises for more than 30 consecutive days.

§ 154.02 CONFLICT WITH OTHER REGULATIONS.

(A) In any case where a provision of this chapter is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinances or code of this city existing on the effective date of this chapter, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of this chapter is found to be in conflict with a provision of any other ordinance or code of this city existing on the effective date of this chapter, which

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establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this chapter shall be deemed to prevail, and such other ordinances or codes are hereby declared to be repealed to the extent that they may be found in conflict with this chapter.

(B) If any section, subsection, paragraph, sentence, clause, or phrase of this chapter should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this chapter, which shall remain in full force and effect; and to this end the provisions of this chapter are hereby declared to be severable.

MINIMUM STANDARDS

§ 154.20 MINIMUM BUILDING OCCUPANCY STANDARDS.

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements.

(A) Every foundation, floor, wall, ceiling and roof shall be reasonably weathertight, watertight, and rodent-proof; shall be capable of affording privacy; and shall be kept in good repair.

(B) Every window, exterior door, and basement hatchway shall be reasonably weathertight, watertight, and rodent-proof; and shall be kept in sound working condition and good repair.

(C) Every inside and outside stair, every porch, and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting any load that normal use may cause to be placed thereon; and shall be kept in sound condition and good repair.

(D) Every plumbing fixture and water waste pipe shall be properly installed and maintained in good sanitary working condition, free from defects, leaks, and obstructions.

(E) Every water closet compartment floor surface and bathroom floor surface shall be constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

(F) Every supplied facility, piece of equipment, or utility which is required under this chapter shall be so constructed or installed that it will function safely and effectively, and shall be maintained in satisfactory working condition.

(G) No owner, operator, or occupant shall cause any service facility, equipment, or utility which is required under this chapter to be removed or shut off from or discontinued for any occupied dwelling let or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies or when discontinuance of service is approved by the Health Officer or Building Commissioner.

(H) No owner shall occupy or let to any other occupant any vacant dwelling unit unless it is clean, sanitary, and fit for human occupancy.

(I) Every roof of a dwelling or dwelling unit shall be equipped with adequate gutters and downspouts capable of carrying off normal rainfall and be connected to a storm sewer where available, and such gutters and downspouts shall be kept in good repair and free from obstruction.

§ 154.21 PLUMBING, GARBAGE DISPOSAL, AND EGRESS FROM BUILDING.

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living, sleeping, cooking, or eating therein, which does not comply with the following requirements.

(A) Every dwelling unit shall contain a kitchen sink in good working condition and properly connected to a water and sewer system approved by the Building Commissioner.

(B) Every dwelling unit, except as otherwise permitted under division (D) below, shall contain a room which affords the privacy to a person within the room and which is equipped with a flush water closet and a lavatory in good working condition and properly connected to a water and sewer system approved by the

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Health Officer or Building Commissioner.

(C) In all buildings in which the whole or part of the building drain or plumbing system thereof lies below the crown level of the main sewer, that part of the sewage or building wastes discharging from such lines shall be lifted by approved mechanical means and discharged into the building sewer.

(D) The occupants of two or more dwelling units, but not to exceed ten persons in total number, may share a single flush water closet, a single lavatory basin, and a single bathtub or shower.

(E) At the expiration of a period of five years from the effective date of this chapter, every kitchen sink, lavatory basin, and bathtub or shower required under the provisions of divisions (A) through (D) above shall be properly connected with water line.

(F) Every dwelling unit shall be supplied with adequate rubbish storage facilities.

(G) Every dwelling unit shall have adequate garbage disposal facilities or garbage storage containers.

(H) Every dwelling unit shall have safe, unobstructed means of egress leading to safe and open space at ground level, as required by the laws of the state and ordinances of the city.

(I) Where public water supply and public sewer service are not available the owner of a dwelling shall furnish a supply of safe water and a private disposal system approved by the Health Officer or Building Commissioner.

§ 154.22 LIGHT, VENTILATION, AND HEAT.

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements.

(A) Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for very habitable room shall be 7% of the floor area of such room.

(B) Every habitable room shall have at least one window or skylight which can easily be opened, or such other device as will adequately ventilate the room. The total of openable window area in every habitable room shall be equal to at least 45% of the minimum window area size or minimum skylight type window size, as required in division (A) above, except where there is supplied some other device affording adequate ventilation and approved by the Health Officer or Building Commissioner.

(C) Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms contained in divisions (A) and (B) above, except that no window or skylight shall be required in adequately ventilated bathrooms and water closet compartments equipped with a ventilation system approved by the Health Officer or Building Commissioner.

(D) Every dwelling shall have heating facilities which are properly installed, are maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments in every dwelling unit located therein to a temperature of at least 70° F., at a distance of three feet above floor level, under ordinary minimum winter conditions.

(E) Every public hall and stairway in every multiple dwelling shall be adequately lighted in conformity with the Indiana Residential Code or the National Electrical Code, as applicable.

(F) During that portion of each year when the Health Officer deems it necessary for protection against mosquitoes, flies, and other insects, every door opening directly from a dwelling unit to outdoor space shall have supplied screens and a self-closing device; and every window or other device with openings to outdoor space, used or intended to be used for ventilation, shall likewise be supplied with screens; provided that such screens shall not be required during such period in rooms deemed by the Health Officer to be located high enough in the upper stories of buildings, as to be free from such insects, and in rooms located in areas of the city which are deemed by the Health Officer to have so few insects as to render screens unnecessary.

(G) Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement which might provide an entry for rodents, shall be supplied with a screen or such other device

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as will effectively prevent their entrance.

§ 154.23 SPACE AND FLOOR AREA.

No person shall occupy or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements.

(A) Every dwelling unit shall contain at least 100 square feet of floor space for the first occupant thereof and at least 50 additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area.

(B) In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least 60 square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least 40 square feet of floor space for each occupant thereof over 12 years of age, and at least 30 square feet for each occupant thereof under 12 years of age.

(C) At least one-half of the floor area of every habitable room shall have a ceiling height of at least seven feet; and the floor area of that part of any room where the ceiling height is less than five feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.

§ 154.24 USE OF BASEMENT AS DWELLING UNIT.

No basement or cellar space shall be used as a dwelling unit unless:

(A) The floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness.

(B) The total of window area in each room is equal to at least the minimum window area sizes as required in § 154.22(A).

(C) The total of openable window area in each room is equal to at least the minimum as required under § 154.22(B), except where there is supplied some other device affording adequate ventilation and approved by the Health Officer or Building Commissioner.

(D) Every window which is below the grade of the ground adjoining such window shall have a lightwell or areaway extending at least 30 inches out from the window the entire depth and width of the window.

§ 154.25 CLEANLINESS AND SANITATION.

(A) Every owner of a dwelling containing more than four dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public area of the dwelling and premises thereof.

(B) Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit, and premises thereof which he occupies and controls.

(C) Every occupant of a dwelling or dwelling unit shall dispose of all his rubbish in a clean and sanitary manner by placing it in the rubbish container required by § 154.21(F).

(D) Every occupant of a dwelling or dwelling unit shall dispose of all his garbage and any other organic waste which might provide food for rodents, in a clean and sanitary manner, by placing it in the garbage disposal facilities or garbage storage containers required by § 154.21(G). It shall be the responsibility of the owner to supply such facilities or containers for all dwelling units in a dwelling containing more than four dwelling units and for all dwelling units located on premises where more than four dwelling units share the same premises. In all other cases it shall be the responsibility of the occupant to furnish such facilities or containers.

(E) Every occupant of a dwelling or dwelling unit shall be responsible for hanging all screens whenever the same are required under the provisions of this chapter or of any rule or regulation adopted pursuant thereto, except where the owner has agreed to supply such service.

(F) Every occupant of a dwelling containing a single dwelling unit shall be responsible for the

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extermination of any insects, rodents, or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Notwithstanding the foregoing provisions of this division whenever infestation is caused by failure of the owner to maintain a dwelling in a ratproof or reasonably insectproof condition, extermination shall be the responsibility of the owner.

(G) Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

§ 154.26 ROOMING HOUSES.

No person shall operate a rooming house, or shall occupy or let to another for occupancy any rooming unit in any rooming house, except in compliance with the provisions of every section of this chapter except the provisions of § 154.21 and § 154.25.

(A) No person shall operate a rooming house unless he holds a valid rooming house license issued by the office of the City Clerk- Treasurer in the name of the operator and for the specific dwelling unit. The operator shall apply to the office of the Building Commissioner for a permit for such license, which shall be issued by the office of the City Clerk-Treasurer upon compliance by the operator, to the satisfaction of the Building Commissioner, with the applicable provisions of this chapter. This license shall be displayed in a conspicuous place within the rooming house at all times. No such license shall be transferable. Every person holding such a license shall give notice in writing to the office of the City Clerk-Treasurer and the Building Commissioner within 24 hours after having sold, transferred, given away or otherwise disposed of ownership of, interest in, or control of any rooming house. Such notice shall include the name and address of the person succeeding to the ownership or control of such rooming house. Every rooming house license shall expire at the end of one year following its date of issuance, unless sooner suspended or revoked as hereinafter provided.

(B) Any person whose application for a permit to obtain a license to operate a rooming house has been denied may request and shall be granted a hearing on the matter, under the procedure provided by § 154.42.

(C) Whenever upon inspection of any rooming house the Health Officer or Building Commissioner finds that conditions or practices exist which are in violation of any provision of this chapter, the Health Officer or Building Commissioner, as the case may be, shall give notice in writing to the operator of such rooming house that unless such conditions or practices are corrected within a reasonable period, to be determined by the Health Officer or Building Commissioner, respectively, the operator's rooming house license will be suspended. At the end of such period the Health Officer or Building Commissioner, as the case may be, shall reinspect such rooming house, and if he finds that such conditions or practices have not been corrected, he shall give notice in writing to the operator that the latter's license has been suspended. Upon receipt of notice of suspension, such operator shall immediately cease operation of such rooming house, and no person shall occupy for sleeping or living purposes any rooming unit therein.

(D) Any person whose license to operate a rooming house has been suspended, or who has received notice from the Health Officer or Building Commissioner that his license is to be suspended unless existing conditions or practices at his rooming house are corrected, may request and shall be granted a hearing on the matter before the Board of Public Health or the Board of Public Works and Safety, as the case may be, under the procedure provided by § 154.42; provided that if no petition for such hearing is filed within ten days following the day on which such license was suspended, such license shall be deemed to have been automatically revoked.

(E) At least one flush water closet, lavatory basin, and bathtub or shower, properly connected to a water and sewer system approved by the Plumbing Inspector of the Building Commissioner's office and in good working condition, shall be supplied for each ten persons or fraction thereof residing within a rooming house, including members of the operator's family wherever they share the use of the said facilities; provided that in

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a rooming house where rooms are let only to males, flush urinals may be substituted for not more than one-half of the required number of water closets. All such facilities shall be so located within the dwelling as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times. No such facilities shall be located in a basement except by written approval of the Health Officer or Building Commissioner.

(F) The operator of every rooming house shall change supplied bed linen and towels therein at least once each week, and prior to the letting of any room to any occupant. The operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner.

(G) Every room occupied for sleeping purposes by one person shall contain at least 60 square feet of floor space, and every room occupied for sleeping purposes by more than one person shall contain at least 40 square feet of floor space for each occupant thereof over 12 years of age and at least 30 square feet for each occupant therein under 12 years of age, as computed in accordance with § 154.23(B).

(H) Every rooming unit shall have safe, unobstructed means of egress leading to safe and open space at ground level, as required by the laws of this state and this city.

(I) The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors, and ceilings, and for maintenance of a sanitary condition in every other part of the rooming house; and shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by the operator.

(J) Every provision of this chapter which applies to rooming houses shall also apply to hotels, except to the extent that any such provision may be found in conflict with the laws of this state or with the lawful regulations of any state board or agency.

(K) The Health Officer is empowered to suspend the operation of §§ 154.23(A), 154.23(B) and 154.26(G) by special or general order in writing when he shall deem an emergency exists which in his discretion shall warrant such suspension; provided, however, that no such general or special order so suspending operation of §§ 154.23(A) or 154.26(G) shall be of a duration longer than ten days.

ADMINISTRATION AND ENFORCEMENT

§ 154.40 INSPECTIONS.

The Health Officer and Building Commissioner are hereby severally authorized and directed to make inspections to determine the condition of dwellings, dwelling units, and premises located within this city, in order that they may perform their duty of safeguarding the health and safety of the occupants of dwellings and of the general public. For the purpose of making such inspections the Health Officer and Building Commissioner are hereby severally authorized to enter, examine, and survey, at proper times after due notice, all dwelling units, rooming units, and premises. The owner or occupant of every dwelling, dwelling unit, and rooming unit, or the person in charge thereof, shall give the Health Officer and Building Commissioner access to such dwelling, dwelling unit, or rooming unit and its premises, at proper times after due notice, for the purpose of such inspection, examination, and survey. Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee, access to any part of such dwelling or dwelling unit, or its premises, at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this chapter.

§ 154.41 DESIGNATION OF BUILDING AS UNFIT FOR HUMAN HABITATION; CONDEMNATION.

(A) The designation of a dwelling or dwelling units as unfit for human habitation and the procedure for the condemnation and placarding of such unfit dwelling or dwelling units, shall be carried out in compliance with the following requirements.

(1) Any dwelling or dwelling unit which shall be found to have any of the following defects shall be

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condemned as unfit for human habitation and shall be so designated and placarded by the Health Officer or Building Commissioner.

(a) One which is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin infested that it creates a serious hazard to the health or safety of the occupants or of the public.

(b) One which lacks illumination, ventilation, or sanitary facilities adequate to protect the health or safety of the occupants or of the public.

(c) One which because of its general condition or location is unsanitary or otherwise dangerous to the health or safety of occupants or of the public.

(2) Any dwelling or dwelling unit condemned as unfit for human habitation, and so designated and placarded by the Health Officer or Building Commissioner, shall be vacated within 60 days as ordered by the Health Officer or Building Commissioner.

(3) Any dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall not again be used for human habitation until written approval is secured from and such placard is removed by the Health Officer or Building Commissioner. The Health Officer or Building Commissioner shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.

(B) No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placarded as such, except as provided in division (3) above.

(C) Any person affected by any notice or order relating to the condemning and placarding of a dwelling or dwelling unit as unfit for human habitation may request and shall be granted a hearing on the matter before the Board of Public Health or the Board of Public Works and Safety, as the case may be, under the procedure set forth in § 154.42.

§ 154.42 NOTICE OF OTHER VIOLATIONS; RIGHT TO HEARING.

(A) Whenever the Health Officer determines that there are reasonable grounds to believe that there has been a violation of any provision of this chapter which affects the health of the occupants of any dwelling, dwelling unit, or rooming unit or the health of the general public, or whenever the Building Commissioner determines that there are reasonable grounds to believe that there has been a violation of any such provision which affects the safety of any such occupants or the safety of the general public, the Health Officer or the Building Commissioner, as the case may be, shall give notice of such alleged violation to the person or persons responsible therefor, and to any known agent of such person, as hereinafter provided. Such notice shall:

(1) Be put in writing;

(2) Include a statement of the reasons why it is being issued;

(3) Allow a reasonable time for the performance of any act it requires;

(4) Be served upon the owner or his agent, to the occupant, as the case may require; provided that such notice shall be deemed to be properly served upon such owner or agent, or upon such occupant, if a copy thereof is served upon him personally, or if a copy thereof is sent by registered mail to his last known address, or if a copy thereof is posted in a conspicuous place in or about the dwelling affected by the notice, or if he is served with such notice by any other method authorized or required under the laws of this state.

(5) Such notice must contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter.

(B) Any person affected by any such notice issued by the Health Officer may request and shall be granted a hearing on the matter before the Board of Public Health of the city, and any person affected by any such notice issued by the Building Commissioner may request and shall be granted a hearing on the matter before the Board of Public Works and Safety of the city; provided that such person shall file in the office of the Health Officer or Building Commissioner, as the case may be, within ten days after service of the notice, a

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written petition requesting such hearing and setting forth a brief statement of the grounds therefor. Upon receipt of such petition the Health Officer or Building Commissioner, respectively, shall arrange a time and place for such hearing and shall give the petitioner written notice thereof. Such hearing shall be held as soon as practicable after the receipt of request therefor. At such hearing the petitioner shall be given an opportunity to be heard and to show cause why such notice should not be complied with.

(C) After such hearing the respective board shall sustain, modify or withdraw the notice, depending upon its findings as to whether the provisions of this chapter have been complied with. If the respective board shall sustain or modify such notice, it shall be deemed to be an order. Any notice served pursuant to division (A) of this section shall automatically become an order if a written petition for a hearing is not filed in the office of the Health Officer or Building Commissioner within ten days after such notice is served. After a hearing in the case of any notice suspending any permit required by this chapter, when such notice has been sustained by the respective board, the permit shall be deemed to have been revoked. Any such permit which has been suspended by a notice shall be deemed to be automatically revoked if a petition for hearing is not filed in the office of the Health Officer or Building Commissioner within ten days after such notice is served.

(D) The proceeding at such hearing, including the findings and decision of the Board shall be summarized, reduced to writing and entered as a matter of public record in the offices of the Board. Such record shall also include a copy of every notice or order issued in connection with the matter. Any person aggrieved by the decision of the Board may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this state.

(E) Whenever the Health Officer finds that an emergency exists which requires immediate action to protect the public health, he may, without notice or hearing, issue an order reciting the existence of such an emergency and require that such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this chapter, such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately, but upon petition to the Health Officer shall be afforded a hearing as soon as possible in the manner provided in division (B) above. After such hearing, depending upon the findings as to whether the provisions of this chapter have been complied with, the Board shall continue such order in effect, or modify it, or revoke it.