



Code of Ordinances
CITY OF AUBURN





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Minimum Housing Code

CHAPTER
158

AUBURN



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158.01 DEFINITIONS

- A. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
- BASEMENT
That portion of a building located partly underground or grade level, but having less than 50% of its clear floor-to-ceiling height below that average grade of the adjoining ground.
 - CELLAR
That portion of a building located partly or wholly underground, and having 50% or more of its clear floor-to-ceiling height below the average grade of adjoining ground.
 - DWELLING
Any building which is wholly or partly used or intended for use as a residence by human occupants, including but not limited to uses of living, sleeping, cooking, and eating, provided that a temporary housing unit as hereinafter defined shall not be regarded as a dwelling.
 - 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 for use as a residence by human occupants, including but not limited to uses of living, cooking and eating.
 - ENFORCEMENT AGENCY
The Building Commissioner/Inspector of the city or his legally designated agent.
 - EXTERMINATION
The control and elimination of insects, rodents, or other pests and vermin by eliminating their harboring places; by removing or making inaccessible materials that may serve as food; by poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest and vermin elimination methods approved by the enforcement agency.
 - GARBAGE
Shall include, but not limited to, the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food, all matter that is subject to decay and rot, and any other matter than can act as a breeding area for pests, vermin, disease, odor and to which animals can be attracted.
 - HABITABLE ROOM
A room or enclosed floor space used or intended for use as a residence for human occupants, including but not limited to, uses of living, sleeping, cooking and eating; excluding bath rooms, water closet compartments, laundries, pantries, foyers, or communicating corridors, closets and storage spaces.
 - INFESTATION
The presence, within or around a dwelling of any insects, vermin, rodents or other pests.
 - MULTIPLE DWELLING
Any dwelling containing more than two dwelling units.
 - OCCUPANT
Any person who occupies a dwelling unit or room unit for purposes of residence.
 - OPERATOR



Any person who has charge, care, or control of a building, or part thereof, in which dwelling units or room units are let.

- OWNER

Any person who, alone or jointly or severally with others: shall have legal or equitable title to any real estate on which a dwelling or dwelling unit exists; and/or shall have charge, care or control of any dwelling or dwelling unit.

- PERSON

Shall include, but not be limited to, any individual, firm, corporation, association or partnership.

- PLUMBING

Shall mean and include, but not be limited to, any and all of the following installed or connected facilities and equipment: gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, dishwashers, lavatories, bathtubs, shower baths, clothes-washing machines, catch basins, drains, vents and any other similar fixtures, together with all connections to water, sewer or gas lines.

- PREMISES

Dwelling, dwelling unit, rooming unit or any other habitat encompassed within the literal and conceptual reading of this chapter.

- 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 for occupancy by another person or persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator.

- ROOMING UNIT

Any room or group of rooms forming a single habitable unit or intended to form such a unit, but not containing specific areas for cooking or eating.

- RUBBISH

Combustible and non-combustible waste materials, except garbage; and the term shall include, but not be limited to, wood, coal, coke and other combustible material; paper, rags, cartons, boxes, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass and 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 or intended for use as a human shelter which is subject to transportation and intended for same and which is not permanently attached to the ground, to another structure or to any utilities system on the same premises for more than 30 consecutive days. A structure designed for extended human habitation and intended for same is not temporary by non-use of the structure for permanent habitation.

B. Interpretation of certain words

Whenever the words "DWELLING", "DWELLING UNIT", "ROOMING HOUSE", "ROOMING UNIT", or "PREMISES" are used in this chapter, they shall be construed as through following by the words "or any part thereof".



158.02 INSPECTION OF DWELLING, DWELLING UNITS, ROOMING UNITS AND PREMISES

- A. The enforcement agency is hereby authorized and directed to make inspections to determine the condition of dwellings, dwelling units, rooming units, and premises located within the city, in order that it may perform its 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 enforcement agency is hereby authorized to enter, examine and survey all dwellings, dwelling units, rooming units and premises when one of the following requirements have been met and satisfied:
 - 1. Where probable cause has been shown by affidavit that conditions are non-conforming or that are detrimental to the occupants, and where the affidavit has been presented to the Superior or Circuit Court Judge and a warrant issued directing and authorizing the inspection of the property concerned.
 - 2. Where an official determination has been made by the Board of Public Works and Safety of the city or the enforcement agency and has been made a matter of public record that a blanket inspection of all premises subject to this chapter is necessary, and where notice of this inspection has been published once per week for two consecutive weeks in a newspaper of general circulation in the city, such publication being not completed less than five days before the commencement of such inspection, such inspections may then be accordingly made; provided that the area to be so inspected shall not be less than 1/64 of a square mile, at ground level; further provided that no enforcement shall be lawful as the result of such inspections, unless 25% of all dwelling units in such area shall have been so inspected.
 - 3. Whereas official determination by the enforcement agency has been made a matter of written public record that a routine spot inspection of all premises subject to this chapter is necessary, and where notice of this inspection has been published once per week for two consecutive weeks in a newspaper of general circulation in the city, such publication being completed not less than five days before the commencement of such inspection, such inspections may then be accordingly made; provided that the area to be so inspected shall be not less than 1/5 of a square mile, at ground level; and further provided that no further enforcement as a result of such routine spot inspections shall be lawful unless five or more premises have been so inspected.
 - 4. The enforcement agency may inspect an individual premise by a specific written request from the owner and/or occupant of the premise when such written request is submitted to the Board of Public Works and Safety at least one week prior to the requested inspection and it is demonstrated that the occupant, if not the owner, has notified the owner of the request prior to submission to the Board of Public Works and Safety or at the same time. Such inspection shall be conducted following notification to the owner of the inspection. The owner may object to the inspection at a regularly scheduled Board of Public Works and Safety meeting. The Board of Public Works and Safety shall determine whether an inspection will be authorized.
- B. No inspection shall be made pursuant to divisions (A)(2) or (3) hereinafter one year from the last newspaper publication of this chapter.
- C. All inspections provided herein shall be made not earlier than 8:00 a.m. and completed not later than 4:00 p.m. Eastern Standard Time unless there shall be prior written agreement with the occupant of the premises. Inspections shall be made only by regularly employed representatives of the enforcement agency who shall carry credentials showing thereon representation of the enforcement agency, which credentials shall be signed by the senior administrative officer of the enforcement agency and counter-signed and sealed by the Clerk-Treasurer.
- D. Failure to comply with the provisions of this section shall invalidate the findings or affect of inspections voluntarily allowed by the owner of the premises or his agent.



158.03 ENFORCEMENT; SERVICE OF NOTICES AND ORDERS; HEARINGS

- A. Whenever the enforcement agency determines that there are reasonable grounds to believe that there has been a violation of any provision of this chapter or of any rule or regulation adopted pursuant thereto, it shall give notice of such alleged violation to the person or persons responsible therefore, 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 but no less than 30 days;
 - 4. Be served upon the owner or his agent by reading, by delivery of a copy thereof, and by posting of such notice within three feet of the U.S. mailbox affixed to the structure or upon any door facing an abutting public street. A return by the representative of the enforcement agency shall be made showing such reading, delivery and posting; or the failure to make such reading or delivery if such be the case; provided, that posting shall always be required. In the event that the owner or his agent cannot be found, the mailing of a copy of such notice by registered mail, return receipt requested, showing delivery or a tender of such notice shall be deemed equivalent to actual reading and delivery. In the event that the name and address of the owner or his agent cannot be determined by the enforcement agency, then, after the making of an affidavit by a representative of the enforcement agency stating that a diligent effort has been made to determine the name and address of such owner, notice published once each week for three consecutive weeks in a newspaper of general circulation in the city shall be deemed equivalent notice to the actual reading and delivery of such notice; provided that such published notice shall state the address of the structure involved and shall further state all of the facts and requirements enumerated by the notice itself. The removal, by any person other than the owner of the structure involved, or his agent, of any notice required to be posted pursuant to the provisions of this section shall be unlawful and punishable as hereinafter provided.
 - 5. Such notice may contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter and with rules and regulations adopted pursuant thereto.
- B. Any person affected by any notice which has been issued in connection with the enforcement of any provision of this chapter, or of any rule or regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the Board of Public Works and Safety; provided that such person shall file in the office of the enforcement agency a written petition requesting such hearing and setting forth a brief statement of the grounds therefore within ten days after the day the notice was served. Upon receipt of such petition, the enforcement agency shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than 10 days after the day on which the petition was filed; provided that upon application of the petitioner the Board of Public Works and Safety may postpone the date of the hearing for a reasonable time beyond such ten-day period, if in its judgment the petitioner has submitted a good and sufficient reason for such postponement.
- C. After such hearing, the Board of Public Works and Safety shall sustain, modify or withdraw the notice, depending upon its findings as to whether the provisions of this chapter and of the rules and regulations adopted pursuant thereto have been complied with. If the Board of Public Works and Safety sustains or modifies such notice, it shall be deemed to be an order. Any notice served pursuant to division (A) of this chapter shall automatically become an order if a written petition for a hearing is not filed in the office of the enforcement agency within ten days after such notice is served. After a hearing in the case of any notice suspending any permit required by this chapter or by rule or regulation adopted pursuant thereto, when such notice has been sustained by the Board of Public Works and Safety, 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 a hearing is not filed in the office of the enforcement agency within ten days after such notice is required.

- D. The proceedings at such hearing, including the findings and decision of the Board of Public Works and Safety, shall be summarized, reduced to writing, and entered as a matter of public record in the office of the Clerk-Treasurer. 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 of Public Works and Safety may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of the State of Indiana.
- E. Whenever the enforcement agency finds that an emergency exists which requires immediate action to protect the public health or safety, it may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as it deems necessary to meet the emergency. Notwithstanding the other provisions of this chapter, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the enforcement agency shall be afforded a hearing as soon as possible. After such hearing, depending upon its findings whether the provisions of this chapter and of the rules and regulations adopted pursuant thereto have been complied with, the enforcement agency shall continue such order in effect, or modify it, or revoke it.

158.04 MINIMUM STANDARDS FOR BASIC EQUIPMENT AND FACILITIES

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 connected to a water and sewer system approved by the Board of Public Works and Safety.
- B. Every dwelling unit shall contain a room which affords privacy to a person within said room and which is equipped with a flush water closet and a lavatory basin in good working condition and connected to a water and sewer system approved by the Board of Public Works and Safety.
- C. Every dwelling unit shall contain, within a room which affords privacy to a person within said room, a bathtub or shower in good working condition and connected to a water and sewer system approved by the Board of Public Works and Safety.
- D. Every kitchen sink, lavatory basin and bathtub or shower required under the provisions of divisions (A), (B), or (C) of this section shall be connected with both hot and cold water lines.
- E. Every dwelling unit shall be supplied with rubbish storage facilities, type and location of which are approved by the Building Department of the city.
- F. Every dwelling unit shall have garbage disposal facilities or garbage storage containers, type and location of which are approved by the Building Department of the city.
- G. Every dwelling shall have supplied water heating facilities which are installed, are maintained in safe and good working condition, are connected with those hot water lines required under the provisions of division (D) of this section, and are capable of heating water to such a temperature as to permit water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than 120°F. Such supplied water heating facilities shall be capable of meeting the requirements of this division (G) when the dwelling or dwelling unit heating facilities required under the provisions of division (E) of 158.05 are not in operation.



- 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 this state and city.

158.05 MINIMUM STANDARDS FOR LIGHT, VENTILATION AND HEATING

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 requirement:

- 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 every habitable room shall be no less than 5% of the floor area of such room. Whenever walls or other portions of structures face a window of any such room and such light-obstruction structures are located less than three feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight-type window in the top of such room, the total window area of such skylight shall be equal to at least 15% of the total floor area of such room.
- B. Every habitable room shall have at least one window or skylight which can be easily opened, or such other device as will 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 of minimum skylight-type window size, as required in division (A) of this section, except where there is supplied some other device affording ventilation and approved by the Building Department of the city. All windows must be equipped with screens to prevent entry of insects and vermin.
- C. Every bathroom, kitchen and water closet compartment shall comply with the light and ventilation requirements for habitable rooms contained in divisions (A) and (B) of this section, except that no window or skylight shall be required in ventilated bathrooms, kitchens and water closet compartments equipped with a ventilation system which is in good operating condition and approved by the Building Department of the city.
- D. Where there is electric service available from power lines which are not more than 300 feet away from a dwelling, every habitable room of such dwelling shall contain at least two separate floor or wall-type electric convenience outlets, or one such convenience outlet and one supplied ceiling-type electric light fixture; and every water closet compartment, bathroom, laundry room, furnace room and public hall shall contain at least one supplied ceiling or wall-type electric light fixture. Every such outlet shall be installed, shall be maintained in good and safe working condition, and shall be connected to the source of electric power in a safe manner.
- E. Every dwelling shall have heating facilities which are properly installed, which are maintained in safe and good working condition, and which 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 the floor level and at an outdoor temperature of 10° F. below zero. No habitable room, dwelling or dwelling unit shall contain any flame producing device or appliance for the purpose of providing the required heat in such space or spaces unless such device or appliance shall be provided with permanent, proper and safe means for the supplying of combustion air and for the venting to the outdoors of all products of combustion.
- F. Every public hall and stairway in every multiple dwelling containing five or more dwelling units shall be lighted at all times. Every public hall and stairway in structures devoted solely to dwelling occupancy and containing not more than four dwelling units may be supplied with conveniently located light switches, controlling a lighting system which may be turned on when needed, instead of full-time lighting.



- G. During that portion of each year when the enforcement agency deems it necessary for protection against mosquitos, flies and other insects, every door opening directly from a dwelling unit to outdoors 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 be likewise supplied with screens.
- H. Every basement or cellar window used or intended for use as ventilation and any other opening shall be supplied with screens or some other appropriate covering to prevent the entry of rodents and other vermin.

158.06 GENERAL REQUIREMENTS RELATING TO THE SAFE AND SANITARY MAINTENANCE OF PARTS OF DWELLING AND DWELLING UNITS

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 weather tight, water tight and rodent proof. All exterior walls and wall components shall be maintained so as to prevent deterioration due to the elements and destructive insects. Such maintenance shall consist of painting, installation or repair of walls, copings, and flashing, waterproofing of joints and waterproof coatings, and shall be kept in sound condition and good repair.
- B. Every window, exterior door and basement hatchway shall be water tight, weather tight and rodent proof; and shall be kept in sound working condition and good repair.
- C. Every stairway, porch and appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon; and shall be kept in sound condition and good repair.
- D. Every plumbing device and/or fixture including water pipes shall be properly installed and maintained in good sanitary working condition.
- E. Every water closet compartment floor surface and bathroom surface shall be so constructed and maintained so as to be impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.
- F. Every supplied facility, place 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 working condition.
- G. No owner, operator or occupant shall cause any service, facility, equipment or utility which if required under this chapter to be removed from or shut off from or disconnected from any occupied dwelling while such is under his control.
- H. No dwelling unit shall be let by any person which is not clean and sanitary and fit for human occupancy.

158.07 MINIMUM SPACE, USE AND LOCATION REQUIREMENTS

No person shall 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 150 square feet of floor space for the first occupant thereof and at least 100 square feet of additional space for each additional occupant thereof; floor space is to be calculated on the basis of total habitable room area not including bathrooms or water closet compartments.



- B. In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor space for each occupant thereof.
- C. No dwelling unit containing two or more sleeping rooms shall be so arranged that access to a bathroom or water closet compartment area can only be through another sleeping room.
- D. Only those areas in any room which have a ceiling height of at least seven feet shall be considered for calculation of acceptable floor space or deemed to be habitable areas.
- E. No cellar space shall be deemed habitable if that area is the only area for habitability.
- F. No basement shall be deemed habitable unless it meets the minimum requirements for habitability as set forth in this chapter for areas determined to be designated as habitable areas.

158.08 RESPONSIBILITY OF OWNERS AND OCCUPANTS

- A. Every owner of a dwelling containing two or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.
- B. Every occupant of a dwelling unit shall keep in a clean and sanitary condition that part of the building which he occupies and controls.
- C. Every occupant shall dispose of all rubbish and garbage in a clean and sanitary manner and in compliance with other ordinances of the city.

158.09 ROOMING HOUSES

No person shall operate a rooming house or shall occupy or let to another for occupancy a rooming unit in any rooming house except that it shall comply with the provisions of this chapter and:

- A. The owner or operator of said rooming house shall apply to the enforcement agency for a permit to so operate a rooming house.
- B. A permit to operate a rooming house shall be issued unless the enforcement agency determines that the areas so designated for rooming are not in compliance with this chapter for habitable living areas.
- C. A copy of the permit shall be displayed in a conspicuous place within each room of the rooming house which use is intended for rooming purposes.
- D. Any person denied a permit by the enforcement agency shall have the right to petition the Board of Public Works and Safety for a review of the permit denial under the provisions of 158.03.
- E. Any person who has been issued a permit but found to be not in compliance with this chapter shall be given 30 days notice of permit revocation. If the conditions are not corrected within the 30-day period, the permit shall be revoked subject to a hearing before the Board of Public Works and Safety as provided in 158.03.
- F. Any petition to the Board of Public Works and Safety shall be served no later than ten days before any regularly scheduled meeting.
- G. At least one flush water closet, lavatory basin and bathtub or shower, connected to a water and sewer system approved by the Board of Public Works and Safety and in good working condition, shall be supplied for each eight persons, or fraction thereof, residing within a rooming house, including members of the operator's family wherever they share the use of said facilities; provided that in a rooming house where rooms are let only to males, flush urinals may be substituted for not



more than one-half of the required water closets. All such facilities shall be so located within the dwelling as to be 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 express written permission of the enforcement agency.

- H. Every room occupied for sleeping purposes by one person shall contain at least 70 square feet of floor space, and every room occupied for sleeping purposes by more than one person shall contain at least 50 square feet of floor space for each occupant thereof.
- I. Every rooming unit shall have safe, unobstructed means of egress leading to safe open spaces at ground level, as required by the laws of the state.
- J. The operator of every rooming house shall be responsible for the safe and sanitary maintenance of all walls, floors and ceilings, and for maintenance of a safe and sanitary condition in every other part of the rooming house; and he shall be further responsible for the safe and sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by the operator.
- K. Every provision of this chapter which applies to rooming houses shall also apply to motels, motor lodges and 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.

158.10 DESIGNATION OF UNFIT DWELLINGS AND LEGAL PROCEDURE OF CONDEMNATION.

The designation of dwellings or dwelling units as unfit for human habitation and the procedure for the condemnation and placarding of such unfit dwellings or dwelling units shall be carried out in compliance with the following requirements:

- A. Any dwelling or dwelling unit which shall be found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the enforcement agency:
 - 1. 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.
 - 2. One which lacks illumination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants or of the public.
 - 3. One which because of its general condition or location is unsanitary, or otherwise dangerous, to the health or safety of the occupants or the public.
- B. No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from the enforcement agency and such placard is removed by the enforcement agency.
- C. No person shall remove or deface a condemnation placard on any building so designated with a placard as denoting unfitness for human habitation except as provided for in division (B) above.
- D. Any person affected by the condemnation and placarding procedure may petition the Board of Public Works and Safety for a hearing in compliance with 158.03.

158.11 CONFLICT OF ORDINANCES; EFFECT OF PARTIAL INVALIDITY

- 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 ordinance or code of the 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 public shall prevail.

- B. If any section, sub-section, 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 severable.

158.99 PENALTY

Any person who shall violate any provision of this chapter, or any provision of any rule or regulation adopted by the enforcement agency pursuant to the authority granted by this chapter, shall upon conviction be punished by a fine of not less than \$25 or more than \$100, and each day's failure to comply with such provision shall constitute a separate violation.