**§ 374. Certain cities; appeals from orders of commissioner of health or health officers.** 1. Any person aggrieved by an order, decision or direction of the commissioner of health or health officer of a city having a population of less than one hundred seventy-five thousand, may appeal therefrom to the official or authority which appoints the head of the department of health of such city, who or which may affirm, reverse or modify the order, decision or direction appealed from.

2. Such appeal may be made by serving on the said commissioner of health or health officer a written notice of appeal within two days, Sundays and legal holidays excepted, or within such further time as shall be allowed by the official or authority having power to hear the appeal after the appellant received notice of the order, decision or direction appealed from. Within two days after receiving such notice of appeal, Sundays and legal holidays excepted, the commissioner of health or health officer shall make a written return to the official or authority having power to hear the appeal of the facts and evidence on which such order, decision or direction is founded. Upon receipt of such return, or if no return be made within the time specified, the official or authority having power to hear the appeal shall forthwith proceed to hear and determine the matter. Upon such appeal the official or authority having power to hear it need not be confined to the evidence contained in the return but in his or its discretion may take additional evidence.

3. Until the decision of the appeal is made the order, decision or direction appealed from shall not be suspended unless the official or authority having power to hear the appeal by an order in writing shall so direct, which order shall be filed forthwith in the office of the commissioner of health or health officer of the city.

4. In case of failure to sustain the appeal the official or authority having power to hear the appeal may in his or its discretion impose costs not exceeding ten dollars upon the appellant.