

RULE 70 - APPEALS

Determinations of the General Manager or the District Engineer may be appealed to the District Board, in writing, within twenty-one (21) days after any such determination. Such appeal shall specify in writing the grounds upon which it is taken, and shall reference the provision of these Rules and Regulations which have been violated, and shall be accompanied by the fee prescribed in Rule 60, except where the issues raised in the appeal concern issues of public interest or environmental protection. Applicability of fee exemptions shall be determined solely by the General Manager. Within thirty (30) days of receipt of such appeal, the General Manager shall set a hearing on the appeal before the District Board and notify the appellant and/or Applicant in writing of the time and place of the hearing at least ten (10) days prior to the hearing and give public notice of the hearing date. An appeal may be filed by the Applicant, the General Manager, or any other Person. At said hearing the appellant and/or Applicant and other Persons may present evidence concerning the appeal. The Board may deny, approve or continue any appeal. The General Manager shall notify the appellant and/or Applicant within ten (10) days in writing by mail of the Board action taken; namely continuance, approval, conditional approval, or denial. Notice of the action taken shall be deemed to have been given when the written notification has been deposited in the mail, postpaid, addressed to the address shown on the application. Unless the Board otherwise determines, any Permit held by an Applicant for which an appeal has been filed pursuant to these rules and regulations shall be deemed suspended until the appeal has been resolved. Upon hearing the appeal, the Board shall also have the discretion to reduce and rebate in full or in part the fee for appeal otherwise set by Rule 60 if the Board finds that the appeal has provided a significant benefit to the public and/or the environment or in unusual matters.

Rule added by Ordinance No. 1 (2/11/80); amended by Ordinance No. 2 (3/11/80); Ordinance No. 3 (7/11/80); Ordinance No. 6 (5/11/81); Ordinance No. 63 (6/15/92); Ordinance No. 104 (07/15/02); Ordinance No. 125 (9/18/2006)