

# **CHAPTER 11**

## **APPEALS**

### **11.1 PURPOSE**

The purpose of this Chapter is to establish the procedures for appeals of District decisions related to the provisions of the Code. (Ord. No. 2010-103)

### **11.2 APPEAL OF ENGINEER'S DETERMINATION.**

If a Person is dissatisfied with any determination of the District Engineer the person may appeal the determination to the District Board within fifteen (15) days after receiving notice of the determination by filing a written notice of appeal with the Board Secretary stating the grounds for the appeal and requesting a hearing. The notice of appeal shall set forth the mailing address of the Person appealing. The appeal shall be conducted as set forth in this Chapter. The decision of the Board is final. (Ord. No. 93-68, Section 12.14, rev. Ord. No. 2013-111)

### **11.3 APPEAL TO DISTRICT BOARD**

Any Person taking exception to the denial, suspension or revocation of a Permit applied for or held by them pursuant to any of the provisions of this Code, or to any administrative decision directly affecting them made by any official of the District pursuant to any of the provisions of this Code, may appeal to the District Board. The appeal shall be filed within fifteen (15) days of receiving written notice of the determination, denial, suspension, revocation or decision by the filing a written notice of appeal with the Board Secretary stating the grounds for the appeal and requesting a hearing. The notice of appeal shall set forth the mailing address of the Person appealing. (Ord. No. 2010-103)(Ord. No. 2013-111)

### **11.4 NOTICE OF HEARING**

The Board Secretary shall set a date for hearing before the District Board at a duly noticed Board Meeting and shall give the Person appealing at least five (5) calendar days notice of the time and place of said hearing. (Ord. No. 2010-103)(Ord. No. 2013-111)

### **11.5 HEARING**

The Person appealing must show cause on the grounds specified in the notice of appeal why the District's action should not be affirmed. The District Board may continue the hearing from time to time. The District Board's findings on the appeal shall be final and

conclusive in the matter and the final decision shall be in writing and mailed to the Person appealing at the address set forth in the notice of appeal. (Ord. No. 2010-103)(Ord. No. 2013-111)

## **11.6 APPEAL FROM DECISION OF DISTRICT BOARD**

Any judicial action challenging a final decision of the District Board must be commenced within thirty (30) days after the mailing of the written notice of the final decision, unless a different limitation period is otherwise specified in other portions of this Code. (Ord. No. 2010-103)(Ord. No. 2013-111)