

Section XI. Hardship Waiver

1. **Undue and Disproportionate Hardship:** If, due to unique circumstances, a specific requirement of the Ordinance would result in undue hardship to a person using water or to property upon which water is used, that is disproportionate to the impacts to water users generally or to similar property or classes of water users, then the person may apply for a waiver.
2. **Written Finding:** The waiver may be granted or conditionally granted only upon a written finding of the existence of facts demonstrating an undue hardship.
3. **Application for a Waiver:** Application for a waiver must be on a form prescribed by the District and accompanied by a non-refundable processing fee in an amount in accordance with the District's standards.
4. **Supporting Documentation:** The application must be accompanied by photographs, maps, drawings, and other information, including a written statement of the applicant.
5. **Required Findings for Waiver:** Based on the information and supporting documents provided in the application, additional information provided as requested, and water use information for the property as shown by the records of the District, the General Manager in making the waiver determination will take into consideration the following:
 - a. That the waiver does not constitute a grant of special privilege inconsistent with the limitations upon other residents and businesses;
 - b. That because of special circumstances applicable to the property or its use, the strict application of this Ordinance would have a disproportionate impact on the property or use that exceeds the impacts to residents and businesses generally;
 - c. That the authorizing of such waiver will not be of substantial detriment to adjacent properties, and will not materially affect the ability of the District to effectuate the purpose of this Ordinance and will not be detrimental to the public interest; and
 - d. That the condition or situation of the subject property or the intended use of the property for which the waiver is sought is not common, recurrent or general in nature.
6. **Approval Authority:** The General Manager or his designee(s) must act upon any completed Application for a Waiver no later than ten (10) days after receipt and may approve, conditionally approve, or deny the waiver. The decision is final.
 - a. The applicant requesting the waiver must be promptly notified in writing of any action taken.
 - b. Unless specified otherwise, at the time a waiver is approved, it will apply to the subject property for the duration of the water supply shortage.