

3. Appeal & Hearing Process: Notice of Non-Compliance, Hearing Determination

- a. **The District will issue a Notice of Non-Compliance** by mail or personal delivery at least ten (10) days before taking enforcement action. The notice will describe the violation and the date by which corrective action must be taken.
- b. **A customer may appeal the Notice of Non-Compliance** by filing a written Notice of Appeal with the District no later than the close of business on the day before the date scheduled for enforcement action. A customer appeal shall state the grounds for the appeal. Any Notice of Non-Compliance not timely appealed will be final.
 1. Upon receipt of a timely appeal, the District will schedule a **hearing on the appeal** and mail written notice of the hearing date to the customer at least ten (10) days before the hearing.
 2. The General Manager or his designee(s) will hear the appeal, make a Hearing Determination, and issue a written **Notification of Decision** within ten (10) days of the hearing.
- c. **A customer may appeal a Hearing Determination to the Board of Directors** by written request for a hearing within ten (10) days after the certified date of delivery or date of first class mailing of the Notification of Decision. The request shall state the grounds for appeal.
 1. At a public meeting, the Board shall **review the appeal** and, at its sole discretion, may affirm, reverse or modify the Hearing Determination.
 2. **The decision of the Board is final.**
- d. Pending receipt of a written appeal or pending a hearing pursuant to an appeal, the District **may take appropriate steps to prevent the unauthorized use of water** given the nature and extent of the violations and the current declared water shortage level condition, including restricting the level of water use until the appeal is heard.

Section XIII: Severability: If any section, subsection, sentence, clause or phrase in this Ordinance is for any reason held invalid, the validity of the remainder of the Ordinance will not be affected. The District Board of Directors hereby declares it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases thereof is declared invalid.