

RULE 91 - SHORT-TERM VARIANCE

Notwithstanding any other provision of these Rules and Regulations, the Board may, after holding a public hearing, in specific cases, grant a short-term variance from the provisions of Rule 23, "Permits to Connect to or Modify a Connection to a Water Distribution System." A short-term variance may only be granted when the Board finds:

- A. That Special Circumstances exist in a particular case; and
- B. That practical difficulties or Undue Hardship would result from the strict application and enforcement of Rule 23; and
- C. That the grant of such a short-term variance would not tend to defeat the purpose of these Rules and Regulations.

The short-term variance shall not be valid beyond the date specified within the Board order, and in no instance shall a short-term variance be granted for a term exceeding 365 days. During the term of a short-term variance, the Applicant may further apply for a permit pursuant to Rule 23, a variance pursuant to Rule 90, or a further short-term variance pursuant to this Rule 91.

The grant of a short-term variance shall not confer a property interest upon the grantee. Each short-term variance is subject to Revocation during its term without cause, without hearing, upon ten (10) days' notice, and in no event shall the short-term variance confer a right to obtain or use water upon expiration of the variance term. Any use of water following expiration shall be deemed to be unauthorized. The Board may place such further conditions upon the grant of a renewed short-term variance as it deems proper. Any Connection which is the subject of an expired short-term variance, and which Connection is not the subject of current permit pursuant to Rule 23, a current variance pursuant to Rule 90, or a current short-term variance pursuant to Rule 91, shall be removed by the Responsible Party of the Water Distribution System no later than fifteen (15) days after receipt of an order from the General Manager.

Each Applicant for a short-term variance shall:

- 1. acknowledge that the grant of such variance does not confer a right to obtain or use water upon expiration and/or Revocation of the variance;
- 2. each Applicant shall consent to the physical removal of the Connection upon expiration of the short-term variance, and;
- 3. each Applicant shall agree to pay any applicable fee pursuant to Rule 60 in the event said short-term variance is granted by the Board.

Rule added by Ordinance No. 5 (4/13/81); amended by Ordinance No. 6 (5/11/81); Ordinance No. 125 (9/18/2006); Ordinance No. 177 (9/18/2017)