

942.11 APPEAL PROCEDURE; HEARING AND DECISION.

(a) Any person aggrieved or adversely affected by any action taken or determination made under this Chapter may request a hearing before the County Engineer. The request shall be in writing and shall set forth the action or determination appealed from and the grounds upon which the appeal is based. The request shall be filed with the County Engineer within thirty (30) days after receipt of the action or determination complained of.

(b) Any person filing an appeal may, but is not required to, request a hearing on the appeal. Upon receipt of any properly filed appeal requesting a hearing, the County Engineer or his designee shall schedule a time and place at which the hearing will be held, and shall provide notice, in writing, at least five (5) days prior to the hearing. The County Engineer or his designee may postpone or continue any hearing upon his own motion or upon application of the appealing party.

(c) The filing of an appeal and a request for a hearing does not automatically suspend or stay execution of the order, determination, or billing appealed from, but upon application by the appealing party, the County Engineer or his designee may suspend or stay execution of the order, determination, or billing upon such terms as deemed appropriate, pending determination of the appeal.

(d) If a hearing is requested, ~~t~~The appealing party, County employees and any other interested person who has been granted permission to appear may present evidence, as the County Engineer or his designee deems admissible. The County Engineer or his designee may require the attendance of witnesses and the production of books, records and papers that are relevant to the matter being decided.

(e) Upon completion of the hearing, or submission of all necessary documents, the County Engineer or his designee shall issue a written decision containing the facts and conclusions upon which the decision is based. If the County Engineer or his designee finds that the action or determination appealed from was lawful and reasonable, the order shall be affirmed. If the County Engineer or his designee finds that the action or determination appealed from was unreasonable or unlawful, the order shall be vacated and a new action taken or determination made in compliance with the decision. A final decision and order made by a designee of the County Engineer shall be considered an order of the County Engineer for purposes of this Section 942.11. A copy of the decision shall be mailed to each party participating in the appeal.

(f) No owner of Conventionally Developed Residential Property shall have the right to appeal the County Engineer's calculation of ERU's unless more than one ERU was assessed against that Conventionally Developed Residential Property.

(g) Any person adversely affected by the decision of the County Engineer may appeal to the Court of Common Pleas as provided by Ohio Revised Code Chapter 2506.