

The Mayor and Council of the Town of Townsend

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Introduced by:
Mayor S. Lobell and
Councilman J. Mertz
Introduction on:
03/06/2024

**Mayor
Scott Lobdell**

ORDINANCE 2024-004 AN ORDINANCE TO AMEND SECTION 24.08.020(D)(1) OF THE TOWN CODE TO REQUIRE APPEALS FROM THE BOARD OF ADJUSTMENT TO BE FILED IN THE SUPERIOR COURT FOR THE STATE OF DELAWARE

**Councilman
Joshua Mertz,
PhD**

WHEREAS, the Town Code currently states that any person aggrieved by a decision of the Board of Adjustment who wishes to file an appeal may file an appeal to the Town Council within a reasonable time; and

**Councilman
Joseph Bangura,
PhD**

WHEREAS, the Town Council desires to amend such instruction to comply with Delaware State Code Chapter 22, Section 347 which requires appeals to be filed within thirty (30) days to the Superior Court of the State of Delaware.

**Councilman
Matthew
Chapman**

NOW, THEREFORE, be it ordained by the by the Town Council of the Town of Townsend, as follows:

**Councilman
Marcus Suhr**

SECTION 1: That Section 24.08.020(D)(1). (2), & (3) of the Code of Ordinances, Town of Townsend, Delaware, is hereby replaced to read as follows:

Any person or persons, or any taxpayer or any officer, department, board or bureau of the Town aggrieved by any decision of the Board of Adjustment may seek review by the Superior Court of such decision, in the manner provided by the laws of Delaware and particularly by Chapter 3, Title 22, Annotated code of Delaware. Such appeal must be filed within thirty (30) days from the date the Board of Adjustment issues it's written opinion on the matter which is the subject of the appeal.

SECTION 2: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 3: In the event any existing Ordinances or parts of Ordinances are in conflict herewith, the provisions of this Ordinance shall control.

**A Council – Manager Municipality
Located on the Web at <https://townsend.delaware.gov>**

SECTION 4: This Ordinance shall become effective immediately upon passage.

Adopted by at least a majority of the Council members of the Town of Townsend on this ____ day of _____, 2024.

- Introduction
- Public Hearing
- Final Reading
- Adoption

Signed By

Mayor
Town of Townsend, Delaware

Attest: _____
Town Clerk

