

The Mayor and Council of the Town of Townsend

141 Main Street, P.O. Box 223, Townsend, DE 19734
Phone (302) 378-8082 Fax (302) 378-7099



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

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

Mayor
Scott Lobdell

Councilman
Joshua Mertz,
PhD

Councilman
Joseph Bangura,
PhD

Councilman
Matthew
Chapman

Councilman
Marcus Suhr

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

WHEREAS, the Town Council desires to amend such instruction to comply with Delaware State Code Chapter 22, Section 328 which requires appeals to be filed within thirty (30) days to the Superior Court of the State of Delaware.

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

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 an appeal must be filed within thirty (30) days of the date the Board of Adjustment issues its 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 1st day of May 2024.

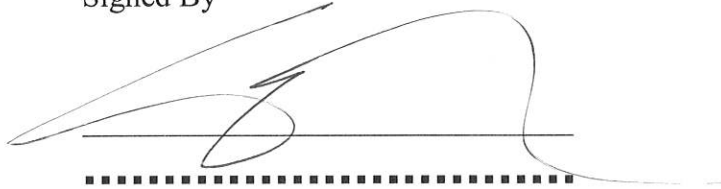
Introduction 03/06/2024

Public Hearing 04/17/2024

Final Reading 05/01/2024

Adoption 05/01/2024

Signed By

A handwritten signature in black ink, appearing to be "M. D. Quinn", is written over a solid horizontal line. Below the solid line is a dashed horizontal line.

Mayor

Town of Townsend, Delaware

Attest: Maureen Quinn
Town Clerk

SUMMARY

This act *revises* Chapter 24 of the Townsend Municipal Code relating to Board of Adjustment appeals to be filed in the Superior Court for State of Delaware.