

45 appeal shall have been filed with him that by reason of facts stated in the certificate
46 a stay would, in his opinion, cause imminent peril to life or property. In such case,
47 proceedings shall not be stayed otherwise than by restraining order which may be
48 granted by the Board of Adjustment or by a court of competent jurisdiction on
49 application or notice to the Town Manager on due cause shown.
50

51 e) Within a reasonable time of the filing of an appeal, the Board of Adjustment shall
52 fix a reasonable time for hearing of the appeal, give public notice thereof by
53 publication of local circulation in one weekly issue thereof, which shall be at least
54 14 days prior to such hearing, as well as due notice to the parties, and decide the
55 same within a reasonable time. Upon the hearing, any party may appear in person
56 or by agent or by attorney.
57

58 f) The Board of Adjustment, in conformity with law, may reverse or affirm, wholly or
59 partly, or may modify the order, requirement, decision or determination as ought to
60 be made, and to that end shall have all the powers of the official charged with the
61 administration or enforcement of this chapter from whom the appeal is taken.
62

63 g) The Board of Adjustment may adopt additional rules in order to carry out the intent
64 of this Chapter and as to the manner and time of filing appeals and for the
65 conducting of hearings and for the giving of such notice or notices as may be
66 required or deemed advisable by the Board of Adjustment, all of which rules and
67 regulations shall conform with the requirements of this chapter and the law on that
68 behalf.
69

70 h) Each application for an appeal as provided in this chapter shall be accompanied by a
71 fee payable to the Town of Henlopen Acres in the amount set from time to time by
72 the Commissioners by resolution to cover costs, which fee or part thereof may be
73 refunded by the Board of Adjustment upon due consideration.
74

75
76 **Section 2.** The Construction Board of Adjustment and Appeals as constituted and
77 established in Chapter 43, Building Construction, Article I, Building Code, Section 43-4.1 as existed
78 prior to the adoption of this Ordinance is hereby abolished and disbanded.
79

80 **Section 3.** This Ordinance shall take effect immediately upon its adoption by the
81 Mayor and Town Commissioners of the Town of Henlopen Acres.
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90 Adopted by the Commissioners
91 of the Town of Henlopen Acres
92 7-8-, 2016
93

94
95 
96 _____
97 Secretary of the Commissioners of
98 the Town of Henlopen Acres
99

100 **SYNOPSIS:** This Ordinance abolishes and disbands the Construction Board of Adjust and Appeals
101 and vests the authority to hear appeals pursuant to Chapter 43 in the Board of Adjustment as
102 established and constituted in Chapter 130 of the Code