

**RESOLUTION BY THE COMMISSIONERS  
OF THE TOWN OF HENLOPEN ACRES  
PROPOSING THAT A PUBLIC HEARING BE HELD ON THE SUBJECT OF  
AMENDING CHAPTER 130, ZONING, SECTION 130-12,  
OF THE MUNICIPAL CODE OF  
THE TOWN OF HENLOPEN ACRES, DELAWARE,  
RELATING TO THE REPAIR AND REPLACEMENT OF  
LEGALLY NONCONFORMING FENCES**

**WHEREAS**, the Commissioners of The Town of Henlopen Acres have deemed it desirable to consider the question of whether to amend Section 130-12 of the Municipal Code of the Town of Henlopen Acres by permitting the repair and replacement of legally nonconforming fences;

**WHEREAS**, Title 22, Chapter 3, Section 301 of the Delaware Code provides that "[f]or the purpose of promoting health, safety, morals or the general welfare of the community, the legislative body of cities and incorporated towns may regulate and restrict the height, number of stories and size of buildings and other structures, percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes";

**WHEREAS**, Section C-4(C) of the Town's Charter provides that "[a]ll Powers of The Town of Henlopen Acres, whether express or implied, shall be exercised as prescribed by [the Town] Charter or; if not prescribed herein, by ordinance or resolution of the Commissioners";

**WHEREAS**, Article X, Chapter 130, Section 130-56 of the Municipal Code of the Town of Henlopen Acres provides the following procedure to be followed by the Commissioners of Henlopen Acres before exercising the aforesaid authority granted by statute and the Town Charter:

1. Hold a public hearing at which hearing parties in interest and citizens shall have an opportunity to be heard;

2. Provide at least 15 days' notice of such hearing by publishing notice of the time and place of such hearing in an official paper or paper of general circulation in the Town.

**NOW THEREFORE, BE IT RESOLVED**, by the Commissioners of The Town of Henlopen Acres, in session met, this 6<sup>th</sup> day of April, 2018, that a public hearing shall be held pursuant to Article X, Chapter 130, Section 130-56 of the Municipal Code of the Town of Henlopen Acres on the 8<sup>th</sup> day of June, A.D. 2018, at 10:00 a.m., in Town Hall, 104 Tidewaters, Henlopen Acres, Delaware, 19971, Sussex County, Delaware, to consider the question of whether it is in the public interest to amend Section 130-12 of the Municipal Code of the Town of Henlopen Acres by permitting the repair and replacement of legally nonconforming fences, as follows:

SEE EXHIBIT 1



**AN ORDINANCE TO AMEND CHAPTER 130 OF THE  
MUNICIPAL CODE OF THE TOWN OF HENLOPEN ACRES,  
BY AMENDING SECTIONS 130-12  
RELATING TO THE REPAIR AND REPLACEMENT OF  
LEGALLY NONCONFORMING FENCES.**



**BE IT FURTHER RESOLVED**, that parties in interest and citizens shall have an opportunity to be heard at said public hearing.

**BE IT FURTHER RESOLVED**, that this resolution to hold a public hearing

shall be printed at least 15 days prior to said public hearing in an official paper or paper of general circulation in the Town.

Adopted by the Commissioners  
of the Town of Henlopen Acres  
April 6, 2018

A handwritten signature in blue ink, appearing to read "Diana A. Roth", written over a horizontal line.

Assistant Secretary of the Commissioners of  
the Town of Henlopen Acres



42           **Section 3.**     This Ordinance shall take effect immediately upon its adoption by the  
43 Commissioners of the Town of Henlopen Acres.

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46 I, Beatrix Richards, Secretary of the Commissioners of the Town of Henlopen Acres, do hereby  
47 certify that the foregoing is a true and correct copy of the ordinance passed by the Commissioners at  
48 their meeting held on \_\_\_\_\_, 2018, at which a quorum was present and voting  
49 throughout and that the same is still in full force and effect.

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Secretary

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**Synopsis:** This Ordinance amends Chapter 130 such that legally nonconforming fences may be  
57 repaired or replaced.

DRAFT