

**SYNOPSIS OF AMENDING THE CODE OF SOUTH BETHANY, CHAPTER  
145, ZONING, ARTICLE XV, ENTITLED "BOARD OF ADJUSTMENT", TO  
CHANGE THE TERMS OF OFFICE OF BOARD OF ADJUSTMENT MEMBERS  
FROM FOUR YEARS TO THREE YEARS  
ORDINANCE 163-12 (FIRST READING)**

**(Sponsored by Council Members Fields and Voveris)**

This ordinance amends Chapter 104, "Zoning", Article XV, Board of Adjustment, § 145-56 Membership, terms, removals and vacancies to:

- Change the terms of office of Board of Adjustment members from four years to three years.



## ORDINANCE NO. 163-12

**AN ORDINANCE TO AMEND** the Code of the Town of South Bethany, Chapter 145, **Zoning**, Article XV, entitled "Board of Adjustment", to change the terms of office of Board of Adjustment members from four years to three years.

**BE IT HEREBY ENACTED** by the Council of the Town of South Bethany, Sussex County, a majority thereof concurring in Council duly met, that Chapter 145 ("Zoning") be amended as follows (additions are **highlighted** and deletions **marked through**):

### ARTICLE XV Board of Adjustment

#### § 145-56. **Membership, terms, removals and vacancies.**

The Board of Adjustment of South Bethany shall consist of five members who shall be residents of the Town of South Bethany and who shall have knowledge of the problems of urban and rural development and who, at the time of appointment and throughout the term of office, shall not be candidates for or members of the Town Council or employees of the Town. The Mayor shall appoint five members of the Board of Adjustment, and all such appointments shall be confirmed by a majority vote of the Town Council. All appointments shall be for a period of ~~four~~ **three** years, provided that the terms of the original members shall be established in such a manner that the term of at least one member shall expire each year and the successor shall be appointed for a term of ~~four~~ **three** years; provided further, that notwithstanding the ~~four-year~~ **three-year** term limitation, each member shall serve until his successor is duly appointed, confirmed and installed in office. Notwithstanding the above, the Mayor shall appoint, with the consent of the Town Council, one member who shall be Chairman and who shall serve at the pleasure of the Mayor.

- A. **Removal.** Members of the Board of Adjustment may be removed by the Town Council for cause, after a public hearing, by a majority vote of the Town Council. A vacancy occurring otherwise than by the expiration of term shall be

filled for the unexpired term in the same manner as an original appointment.

- B. Quorum. At least three members of the Board of Adjustment shall constitute a quorum for the conduct of business. All decisions of the Board shall be made by a majority of those members present. [Amended 2-8-2002 by Ord. No. 106-01]

**Effective date: This ordinance shall become effective upon the date of adoption.**

**ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF SOUTH BETHANY, SUSSEX COUNTY, DELAWARE, ON THE \_\_\_\_ OF \_\_\_\_\_ 2012.**

SEAL:

\_\_\_\_\_  
Joseph I. Headman, Jr., Mayor

\_\_\_\_\_  
George Junkin, III, Council Secretary

ATTEST: \_\_\_\_\_

1<sup>st</sup> Reading: 2/10/12  
2<sup>nd</sup> Reading:  
3<sup>rd</sup> Reading:  
Public Hearing:

Sponsored by Councilman Fields

JF/PV:phs:Ordinance 163-12 First Reading

**CERTIFICATION FOR REGULAR ORDINANCES**

This is to certify that the notice and brief description of the foregoing ordinance was published in the COASTAL POINT Newspaper on \_\_\_\_\_ and posted on the Town's website on \_\_\_\_\_, prior to the first reading.

This is to certify that the notice and brief description of the foregoing ordinance was published in the COASTAL POINT Newspaper on \_\_\_\_\_ and posted on the Town's website on \_\_\_\_\_, after its adoption.