

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 153 OF THE CODE OF THE TOWN OF DEWEY BEACH AS AMENDED BY ORDINANCE NO. 737 RELATING TO SOLID WASTE AND RECYCLING.

BE IT ENACTED AND ORDAINED BY THE TOWN COMMISSIONERS OF THE TOWN OF DEWEY BEACH, DELAWARE IN SESSION MET THIS APRIL 21, 2017, THAT:

SECTION 1. Amend §153-4A of the Code of Ordinances of the Town of Dewey Beach by adding thereto the following new subparagraph:

“(6) The Mayor and Town Manager collectively are authorized to hear and grant exemptions from the requirements of this chapter to property owners who demonstrate exceptional hardship in complying herewith. Exemptions shall be limited to that which is minimally necessary to relieve the asserted hardship. Each exemption granted shall automatically terminate within one year of its effective date unless extended by the Mayor and Town Manager in writing. In considering whether an exceptional hardship exists the Mayor and Town Manager shall consider whether the requested exemption substantially affects the neighboring property owners and whether the subject property presents unique characteristics that justify relief. Economic hardship, standing alone, may justify the granting of an exemption.”

SECTION 2. Severability. If any provision of this Ordinance shall be deemed or held to be invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not affect any other provision of this Ordinance which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Ordinance are hereby declared to be severable.

SECTION 3. Adoption. This Ordinance shall take effect immediately upon its adoption by a majority vote of the Commissioners of the Town of Dewey Beach.

Adopted by at least a majority vote of all Commissioners of the Town of Dewey Beach on April 21, 2017.

BY: _____
Mayor Dale Cooke

ATT: _____
Town Manager Marc Appelbaum

Synopsis

This Act authorizes the Mayor and Town Manager to authorize limited exemptions from the application of Chapter 153 to property owners who demonstrate exception hardship.