

**AN ORDINANCE TO PERMIT THE BOARD OF ADJUSTMENT TO GRANT
CONTINUANCES OF MEETINGS AND HEARINGS**

Ordinance 23-09

WHEREAS, under Section 156.180 of the Duck Code of Ordinances, the Town Council may amend, supplement, change, modify or repeal the regulations governing the Board of Adjustment; and

WHEREAS, the Town Council desires to amend its Code of Ordinances to authorize the Board of Adjustment to grant continuances upon good cause shown;

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Duck Town Council of the Town of Duck, North Carolina, as follows:

1. Section 156.162 of the Duck Code of Ordinances is hereby amended to add new subsections (D) and (E), and to modify the title of the Section, as follows (with additions and deletions indicated):

~~§ 156.162 MEETINGS; QUORUM; MINUTES AND RECORDS; POWERS OF ALTERNATE MEMBERS.~~

MEETINGS; MINUTES; ALTERNATE MEMBERS; HEARING NOTICES; CONTINUANCES; RULES OF PROCEDURE.

(D) Continuances. The Board of Adjustment may grant a continuance to any party for good cause shown or upon the Board’s own motion. Requests for continuances should be made in writing but may be made orally at a meeting of the Board. The Board Chair may grant a continuance requests prior to a meeting if the applicant or appellant makes a written request showing good cause. The Board Chair may always defer ruling on such a request to allow for the decision to be made by the Board.

(1) Good Cause. Good cause for a continuance includes, but is not limited to:

(i) The official issuing the decision subject to an appeal is unavailable; or

(ii) There is insufficient membership of the Board seated and present to hear a matter; or

(iii) If any party or the Town would be unduly prejudiced by the presentation of matters not presented in a notice of appeal.

(2) Renotification Fees. If notices of hearing have already been issued, the party granted a continuance is responsible for the administrative costs of noticing an additional hearing if such costs are incurred.


(E) Rules of Procedure. The Board may adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this article. Where this article and the rules adopted by the Board are in conflict, the provisions of this article prevail.

2. It is the intention of the Duck Town Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances for the Town of Duck and to accomplish such intention, sections of this Ordinance may be renumbered, captions added, sections retitled, section references corrected and repealed provisions deleted.

Adopted and made effective on this the 6th day of September, 2023.


Don Kingston, Mayor

ATTEST:


Lori Ackerman, Town Clerk

Date adopted: September 6, 2023

Motion to adopt by: Monica Thibodeau

Vote: 5 AYES 0 NAYS

