

1 HB368
2 181775-1
3 By Representative Williams (JD)
4 RFD: Judiciary
5 First Read: 07-MAR-17

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8 SYNOPSIS: Under existing law, a party aggrieved by the
9 final judgment or decision of a board of zoning
10 adjustment may appeal that decision by filing a
11 written notice of appeal with the board.

12 This bill would specify that an appeal of a
13 final judgment or decision of a board of zoning
14 adjustment would be required to be filed directly
15 with the circuit court.

16
17 A BILL
18 TO BE ENTITLED
19 AN ACT
20

21 Relating to zoning; to amend Section 11-52-81, Code
22 of Alabama 1975, to specify that an appeal of a final judgment
23 or decision of the board of zoning adjustment would be
24 required to be filed directly with the circuit court.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. Section 11-52-81, Code of Alabama 1975,
27 is amended to read as follows:

1 "§11-52-81.

2 "Any party aggrieved by any final judgment or
3 decision of ~~such the~~ board of zoning adjustment may within 15
4 days thereafter appeal ~~therefrom~~ from the judgement or
5 decision directly to the circuit court. In addition to filing
6 in the circuit court, the aggrieved party shall provide the by
7 ~~filing with such~~ board a written notice of appeal specifying
8 the judgment or decision from which the appeal is taken. ~~In~~
9 ~~case of such appeal such~~ Upon receiving the written notice of
10 the appeal, the board shall cause a transcript of the
11 proceedings in the action to be certified to the court to
12 which the appeal is taken, and the action in ~~such the~~ court
13 shall be tried de novo."

14 Section 2. This act shall become effective on the
15 first day of the third month following its passage and
16 approval by the Governor, or its otherwise becoming law.