HB226

EX8M2CC-2

By Representative Almond

RFD: Judiciary

First Read: 22-Feb-24

A BILL

TO BE ENTITLED

AN ACT

Relating to municipal zoning boards of adjustment; to amend Section 11-52-81 of the Code of Alabama 1975, to further provide for the appeal of final decisions of zoning boards of adjustment to the circuit court.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§11-52-81

(a) Any party aggrieved by any final ~~judgment or~~ decision of ~~such~~ a board of zoning adjustment may ~~within 15 days thereafter appeal therefrom to the circuit court by filing with such board a written notice of appeal specifying the judgment or decision from which the appeal is taken. In case of such appeal such board shall cause a transcript of the proceedings in the action to be certified to the court to which the appeal is taken, and the action in such court shall be tried de novo~~ appeal the final decision of the board by filing an appeal in the circuit court in the county where the board convenes. The aggrieved party shall first file a written

notice of appeal with the board within 15 days after the final decision, specifying the decision from which the appeal is taken. Thereafter, the aggrieved party must file the appeal with the proper circuit court within 30 days of the final decision of the board and shall also serve the board with the appeal at the office of the city clerk. After an appeal has been filed in the circuit court, the board shall submit to the circuit court a certified copy of the minutes of the meeting of the board regarding the appealed case along with copies of any documents submitted to the board during the meeting concerning the appealed case. Minutes and other documents shall be submitted within 45 days after the board is served with the appeal, unless extended by order of the court. The action in the circuit court shall be tried de novo.

(b) The decision of the board shall remain in effect during the pendency of the appeal unless the circuit court grants a stay. In determining whether to grant a stay, the circuit court shall consider the appellant's likelihood of success on the merits, whether there may be irreparable injury absent a stay, whether the stay will substantially injure any party to the proceeding, and whether a stay is in the public's interest."

Section 2. This act shall become effective on July 1, 2024.

House of Representatives

Read for the first time and referred 22-Feb-24
to the House of Representatives
committee on Judiciary

Read for the second time and placed 06-Mar-24
on the calendar:
1 amendment

Read for the third time and passed 19-Mar-24
as amended
Yeas 100
Nays 0
Abstains 0

John Treadwell
Clerk