HB226 ENGROSSED



- 1 HB226
- 2 EX8M2CC-2
- 3 By Representative Almond
- 4 RFD: Judiciary
- 5 First Read: 22-Feb-24

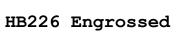
HB226 Engrossed



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| 5 | |
| 6 | A BILL |
| 7 | TO BE ENTITLED |
| 8 | AN ACT |
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| 10 | Relating to municipal zoning boards of adjustment; to |
| 11 | amend Section 11-52-81 of the Code of Alabama 1975, to further |
| 12 | provide for the appeal of final decisions of zoning boards of |
| 13 | adjustment to the circuit court. |
| 14 | BE IT ENACTED BY THE LEGISLATURE OF ALABAMA: |
| 15 | Section 1. Section 11-52-81 of the Code of Alabama |
| 16 | 1975, is amended to read as follows: |
| 17 | " §11-52-81 |
| 18 | (a) Any party aggrieved by any final judgment or |
| 19 | decision of such a board of zoning adjustment may within 15 |
| 20 | days thereafter appeal therefrom to the circuit court by |
| 21 | filing with such board a written notice of appeal specifying |
| 22 | the judgment or decision from which the appeal is taken. In |
| 23 | case of such appeal such board shall cause a transcript of the |
| 24 | proceedings in the action to be certified to the court to |
| 25 | which the appeal is taken, and the action in such court shall |
| 26 | be tried de novo appeal the final decision of the board by |
| 27 | filing an appeal in the circuit court in the county where the |
| 28 | board convenes. The aggrieved party shall first file a written |

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| 29 | notice of appeal with the board within 15 days after the final |
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| 30 | decision, specifying the decision from which the appeal is |
| 31 | taken. Thereafter, the aggrieved party must file the appeal |
| 32 | with the proper circuit court within 30 days of the final |
| 33 | decision of the board and shall also serve the board with the |
| 34 | appeal at the office of the city clerk. After an appeal has |
| 35 | been filed in the circuit court, the board shall submit to the |
| 36 | circuit court a certified copy of the minutes of the meeting |
| 37 | of the board regarding the appealed case along with copies of |
| 38 | any documents submitted to the board during the meeting |
| 39 | concerning the appealed case. Minutes and other documents |
| 40 | shall be submitted within 45 days after the board is served |
| 41 | with the appeal, unless extended by order of the court. The |
| 42 | action in the circuit court shall be tried de novo. |
| 43 | (b) The decision of the board shall remain in effect |
| 44 | during the pendency of the appeal unless the circuit court |
| 45 | grants a stay. In determining whether to grant a stay, the |
| 46 | circuit court shall consider the appellant's likelihood of |
| 47 | success on the merits, whether there may be irreparable injury |
| 48 | absent a stay, whether the stay will substantially injure any |
| 49 | party to the proceeding, and whether a stay is in the public's |
| 50 | <pre>interest."</pre> |
| 51 | Section 2. This act shall become effective on July 1, |
| 52 | 2024. |





53 54

| 55 | House of Representatives |
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| 56 57 58 59 | Read for the first time and referred |
| 60 61 62 63 | Read for the second time and placed06-Mar-24 on the calendar: 1 amendment |
| 64 65 66 67 68 69 | Read for the third time and passed |
| 71 72 73 | John Treadwell Clerk |