

1 SB124  
2 181775-1  
3 By Senator Sanford  
4 RFD: County and Municipal Government  
5 First Read: 09-FEB-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

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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.