



House Judiciary Reported Substitute for HB226

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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



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29 notice of appeal with the board within 15 days after the final
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 interest."

51 Section 2. This act shall become effective on July 1,
52 2024.