

99.390 Appeals.

- (1) Any person, firm, corporate organization, public officer or governmental agency or department, being a party of record at any hearing conducted by the agency in connection with the designation of a redevelopment project which has applied for a building permit or certificate of occupancy under KRS 99.380, claiming to be injuriously affected or aggrieved by refusal of the agency to approve such permit or certificate, may appeal from such action to the Circuit Court of the county wherein the agency is located, and jurisdiction is hereby given to such Circuit Court to hear and determine all questions and issues brought before it on such appeal. An appeal shall stay all action by all parties of record in the matter appealed from. Such appeal shall be taken within thirty (30) days after notice of such action or decision has been given by the agency to the party affected by the decision of said agency, by filing in the office of the clerk of the Circuit Court of such county a statement of appeal, setting forth the action or decision of the agency appealed from, the date thereof, the reasons for said appeal, and attaching thereto as a part thereof a certified copy of such action or decision and asking that an order to show cause be issued against and served upon the agency as to why such building permit or certificate of occupancy should not be issued.
- (2) After the appeal is taken the procedure shall be the same as in common law actions, except that said appeals shall have preference over other cases on the docket and may, upon the motion of any party, be set down for trial in advance of other cases. Upon filing an appeal, notice thereof must be immediately given to the agency and all parties of record, by actual notice served or by service of summons. Hearings in the Circuit Court shall be de novo and heard by the judge and appeals may be taken from the decision of said Circuit Court to the Court of Appeals in the same manner as common law cases are appealed, except that all appeals to the Court of Appeals must be made within sixty (60) days from the date of judgment in the Circuit Court.

Effective: June 14, 1962

History: Amended 1962 Ky. Acts ch. 266, sec. 1. -- Amended 1958 Ky. Acts ch. 159, sec. 3. -- Created 1950 Ky. Acts ch. 119, sec. 8.