

Bond Case Briefs

Municipal Finance Law Since 1971

GOVERNMENTAL SUBDIVISIONS - ALABAMA

W.R. Meriwether, Factors and Drayage, LLC v. Pike Road Volunteer Fire Protection Authority

Supreme Court of Alabama - June 14, 2019 - So.3d - 2019 WL 2482324

Landowners whose parcels adjoined parcel owned by volunteer fire protection authority brought action against fire authority and other defendants in which landowners sought a judgment that the fire authority was subject to a zoning ordinance restricting development on the parcels to low density, single-family residential development, and landowners sought a judgment declaring that fire authority's construction of a fire station on its parcel would violate the ordinance.

The Circuit Court granted motion filed by some defendants for judgment on the pleadings and granted motion filed by rest of defendants to dismiss. Landowners appealed.

The Supreme Court held that fire authority did not qualify as a governing body or political subdivision that, if engaged in governmental functions, was exempt from zoning ordinances.

Volunteer fire protection authority did not qualify as a governing body or political subdivision that, if engaged in governmental functions, was exempt from zoning ordinances, as was relevant to landowners' action for a judgment declaring that fire authority's construction of a fire station would violate ordinance restricting parcel owned by authority, as well as parcels owned by landowners, to low density, single-family residential development.