

# **Bond Case Briefs**

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## **ZONING & PLANNING - ALABAMA**

### **City of Orange Beach v. Lamar Companies**

**Supreme Court of Alabama - May 17, 2024 - So.3d - 2024 WL 2229839**

Under case numbers assigned in billboard company's prior appeal from board of adjustment decision and company's separate action against city, city filed a "Motion to Enforce Judgment and for Finding of Contempt," pursuant to which it sought an order directing billboard company, pursuant to consent decrees entered in those prior cases, to remove a non-confirming billboard.

The Circuit Court entered order denying city's motion. City appealed.

The Supreme Court held that:

- The denial constituted a denial of a request for injunctive relief, and thus city could appeal the denial within 14 days, and
- The city could require the billboard's removal.

Circuit court's order denying city's motion to enforce consent decrees so as to require billboard company to remove a billboard that did not conform with city zoning ordinance constituted a denial of a request for injunctive relief, and thus city could appeal the denial within 14 days, even though billboard company's motion to enjoin city from requiring billboard's removal remained pending before the circuit court.

Pursuant to consent decrees, city could require removal of billboard that did not conform to zoning ordinance; consent decrees' terms were unequivocal that billboard had to be removed 12 years after the date the permit for it was issued, it was undisputed that billboard had been removed even though the 12-year term had expired, and although billboard company had moved to enjoin billboard's removal on the basis of allegations of selective enforcement that had occurred since the consent decrees, that motion sought to challenge city's current manner of enforcing the zoning ordinance, which meant that billboard company had to raise such claims in a new action.