

Bond Case Briefs

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MUNICIPAL ORDINANCE - ALABAMA

Breland v. City of Fairhope

Supreme Court of Alabama - September 30, 2016 - So.3d - 2016 WL 5582405

Property owner brought action against city, seeking a declaration that property owner was entitled to fill the property without further approval from city, and asserting a claim for money damages based on alleged negligence of city.

The Circuit Court entered summary judgment in favor of city, and property owner appealed.

The Supreme Court of Alabama held that:

- No statute of limitations applied to bar property owner's requests for prospective relief as expressed in his declaratory-judgment claims challenging the validity of city's permitting ordinances;
- Two-year statute of limitations for negligence claims applied to property owner's backward-looking claim for money damages against city based on city's purported negligence in refusing to issue land fill permits; and
- Property owner's negligence claims accrued each time city enforced its ordinances to stop property owner from filling activity on his property, for purposes of triggering the applicable two-year statute of limitations.

No statute of limitations applied to bar property owner's requests for prospective relief as expressed in his declaratory-judgment claims challenging the validity of city's permitting ordinances, when the ordinances presented a current and ongoing infringement of his property rights.

Two-year statute of limitations for negligence claims applied to property owner's backward-looking claim for money damages against city based on city's purported negligence in refusing to issue land fill permits.

Property owner's claims for money damages against city, based on city's purported negligence in refusing to issue land fill permits, accrued each time city enforced its ordinances to stop property owner from filling activity on his property, for purposes of triggering the applicable two-year statute of limitations for negligence claims.