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Longo v. City of Waveland

Supreme Court of Mississippi - October 20, 2022 - So.3d - 2022 WL 11581158

Individual objector filed a notice of appeal of decision of city's board of aldermen to approve application for conditional use and preliminary plat approval. After the ten-day period for taking an appeal had run, objector then amended the notice of appeal to name applicant as appellee.

In a different action, an objector, which was a neighboring property owner, filed a notice of appeal of city's decision to grant preliminary plat approval for the development of a subdivision, and that notice of appeal did not name the applicant as a party.

The Circuit Court entered separate judgments dismissing the appeals in both actions. Both objectors appealed, and the two actions were consolidated.

As a matter of first impression, the Supreme Court held that under the statute governing appeals of decisions of local governing authorities, which requires that a petitioner before a local governing authority be made a party to the appeal, a notice of appeal that is filed on time but that erroneously omits a petitioner's name does not defeat the circuit court's jurisdiction.

Under the statute governing appeals of decisions of local governing authorities, which requires that a petitioner before a local governing authority be made a party to the appeal, a notice of appeal that is filed on time but that erroneously omits a petitioner's name does not defeat the circuit court's jurisdiction, and the omission may be corrected; naming all petitioners as appellees in a notice of appeal is a procedural requirement and is not jurisdictional.

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