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Ex parte City of Muscle Shoals

Supreme Court of Alabama - March 31, 2023 - So.3d - 2023 WL 2721348

Residents of subdivision filed a complaint against city seeking an injunction directing city to enact a comprehensive stormwater-management plan or to enforce its existing stormwater-management ordinances to prevent retention pond from overflowing.

City moved to dismiss arguing it was entitled to substantive immunity. The Circuit Court denied the motion to dismiss. City petitioned for a writ of mandamus directing the circuit court to dismiss residents' claim based on its entitlement to substantive immunity.

The Supreme Court held that city was entitled to substantive immunity from residents' claim for injunctive relief.

City was entitled to substantive immunity from residents' claim for injunctive relief, which sought an injunction directing city to enact a comprehensive stormwater-management plan or to enforce its existing stormwater-management ordinances to prevent retention pond from overflowing; city's decisions about its enactment of a plan or its enforcement of existing ordinances concerning its drainage systems were public-policy decisions made in connection with the city's responsibility to provide for the public's safety, health, and general welfare and were so laden with the public interest as to outweigh the incidental duty to individual citizens, and thus fell into the category of actions excepted from the general rule of liability.

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