

AN ACT relating to planning and zoning.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 100 IS CREATED TO READ AS FOLLOWS:

- (1) Any party that appeals the Circuit Court's final decision made in accordance with KRS 100.347 may be required to file an appeal bond in the manner directed by the Kentucky Rules of Civil Procedure prior to the case being transferred to the Kentucky Court of Appeals.
- (2) In determining the amount of the appeal bond, the Circuit Court shall consider the reasonable costs, legal fees, and damages of any kind or nature, including but not limited to actual damages, prospective damages, and consequential damages that the appellee will suffer during the pendency of the appeal or that are caused by the appeal.
- (3) Dismissal or affirmation of an appeal made pursuant to this section shall allow for the appellee to file a motion in the originating Circuit Court for the full recovery of the bond amount set to protect the appellee.
- (4) Subsections (1), (2), and (3) of this section shall apply to any appeal made pursuant to KRS 100.347 that has been initiated and pending prior to the effective date of this Act. Failure to comply with subsections (1), (2), and (3) of this section shall be cause for dismissal of a pending appeal.
- (5) Subsection (1) of this section shall not apply to the United States, the Commonwealth of Kentucky, or any of its municipal corporations or political subdivisions, or any of their agencies or officers acting for, or on, their behalf. Unless otherwise exempted by law, such governmental unit shall be obligated to the same extent as if it had given the bond required.