

1 AN ACT relating to planning and zoning.

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

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

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