

63L-4-301 Appeals of decisions.

- (1) Each political subdivision shall enact an ordinance that:
 - (a) establishes a procedure for review of actions that may have constitutional taking issues; and
 - (b) meets the requirements of this section.
- (2)
 - (a)
 - (i) Any owner of private property whose interest in the property is subject to a physical taking or exaction by a political subdivision may appeal the political subdivision's decision within 30 days after the decision is made.
 - (ii) The legislative body of the political subdivision, or an individual or body designated by them, shall hear and approve or reject the appeal within 14 days after it is submitted.
 - (iii) If the legislative body of the political subdivision fails to hear and decide the appeal within 14 days, the decision is presumed to be approved.
 - (b) The private property owner need not file the appeal authorized by this section before bringing an action in any court to adjudicate claims that are eligible for appeal.
 - (c) A property owner's failure to appeal the action of a political subdivision does not constitute, and may not be interpreted as constituting, a failure to exhaust available administrative remedies or as a bar to bringing legal action.

Renumbered and Amended by Chapter 382, 2008 General Session