

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 258
SENATE BILL 271

AN ACT TO AMEND G.S. 113-229 RELATING TO PERMITS, APPEALS, AND HEARINGS REGARDING DREDGING AND FILLING.

The General Assembly of North Carolina enacts:

Section 1. G.S. 113-229(e) is amended by rewriting the last sentence to read:

"The Department shall act on an application for permit within 75 days after the completed application is filed, provided the Department may extend such deadline by not more than an additional 75 days if necessary properly to consider the application, except for applications for a special emergency permit, in which case the Department shall act within two working days after an application is filed, and failure to so act shall automatically approve the application."

Sec. 2. G.S. 113-229(f) is rewritten to read:

"(f) Any person who is directly affected by a permit decision under G.S. 113-229(e) or (e1) may submit a written request, within 20 days of such action, for a hearing before the Coastal Resources Commission. Requests for hearings by any person other than the applicant shall be reviewed by the Commission or its duly authorized agent according to G.S. 113A-121(c) to determine whether a hearing should be granted. Pending final disposition of any such review by the Commission, no action shall be taken which would be unlawful in the absence of a permit. In cases where the request for a hearing has been denied, development authorized by the permit may be undertaken unless prohibited by an order of the superior court."

Sec. 3. G.S. 113-229(g) is rewritten to read:

"(g) Appeals to the Coastal Resources Commission of permit decisions under this section shall follow the procedures and requirements set forth in G.S. 113A-122."

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 2nd day of May, 1983.