

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

D

HOUSE DRH60262-LB-216A (4/2)

Short Title: Revocation of Local Inspection Permits. (Public)

Sponsors: Representative LaRoque.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE PROCEDURES FOR REVOCATION OF COUNTY
AND MUNICIPAL INSPECTION PERMITS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-362 reads as rewritten:

"§ 153A-362. Revocation of permits.

(a) ~~The appropriate inspector may revoke and require the return of any permit by giving written notice to the permit holder, stating the reason for the revocation. Permits shall be revoked for any substantial departure from the approved application or plans and specifications, for refusal or failure to comply with the requirements of any applicable State or local laws or local ordinances or regulations, or for false statements or misrepresentations made in securing the permit. A permit mistakenly issued in violation of an applicable State or local law or local ordinance or regulation also may be revoked for any of the following reasons:~~

- (1) Any substantial departure from the approved application or plans and specifications;
- (2) Refusal or willful failure to comply with the requirements of any applicable State or local laws or local ordinances or regulations;
- (3) For false statements or misrepresentations made in securing the permit;
or
- (4) If the permit was issued in violation of any applicable State or local law or local ordinance or regulation.

(b) The county shall pay to the holder of any permit revoked pursuant to subdivision (a)(4) of this section all project costs, expenses, and other losses incurred by the permit holder, including, but not limited to, all fees paid in consideration of project financing, and all architectural, planning, marketing, legal, and other consultant's fees incurred after approval by the county, together with interest thereon at the legal rate

1 from the date of revocation until paid, unless the permit was issued as the result of false
2 or misleading statements made by the applicant.

3 (c) Written notice of the revocation of a permit pursuant to this section shall be
4 delivered to the permit holder in person or by certified mail and shall be effective upon
5 receipt."

6 **SECTION 2.** G.S. 160A-422 reads as rewritten:

7 **"§ 160A-422. Revocation of permits.**

8 (a) The appropriate inspector may revoke and require the return of any permit by
9 notifying the permit holder in writing stating the reason for the revocation. Permits shall
10 be revoked for any substantial departure from the approved application, plans, or
11 specifications; for refusal or failure to comply with the requirements of any applicable
12 State or local laws; or for false statements or misrepresentations made in securing the
13 permit. Any permit mistakenly issued in violation of an applicable State or local law
14 may also be revoked for any of the following reasons:

15 (1) Any substantial departure from the approved application or plans and
16 specifications;

17 (2) Refusal or willful failure to comply with the requirements of any
18 applicable State or local laws or local ordinances or regulations;

19 (3) For false statements or misrepresentations made in securing the permit;
20 or

21 (4) If the permit was issued in violation of any applicable State or local
22 law or local ordinance or regulation.

23 (b) The county shall pay to the holder of any permit revoked pursuant to
24 subdivision (a)(4) of this section all project costs, expenses, and other losses incurred by
25 the permit holder, including, but not limited to, all fees paid in consideration of project
26 financing, and all architectural, planning, marketing, legal, and other consultant's fees
27 incurred after approval by the city, together with interest thereon at the legal rate from
28 the date of revocation until paid, unless the permit was issued as the result of false or
29 misleading statements made by the applicant.

30 (c) Written notice of the revocation of a permit pursuant to this section shall be
31 delivered to the permit holder in person or by certified mail and shall be effective upon
32 receipt."

33 **SECTION 3.** This act is effective when it becomes law and shall also apply
34 to any permit revocation which is the subject of pending litigation on that date.