

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

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HOUSE BILL 1042

Short Title: Revocation of Local Inspection Permits.

(Public)

Sponsors: Representative LaRoque.

Referred to: Local Government I.

April 10, 2003

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

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

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

5 **"§ 160A-422. Revocation of permits.**

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

13               (1) Any substantial departure from the approved application or plans and  
14 specifications;

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

17               (3) For false statements or misrepresentations made in securing the permit;  
18 or

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

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

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

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