

1 19A NCAC 02E .0212 is readopted as published in 34:13 NCR 1251-1253 with changes as follows:

2
3 **19 NCAC 02E .0212 NOTICE GIVEN FOR REVOKING PERMIT**

4 (a) Prior to the revocation of an outdoor advertising permit, the ~~district engineer~~ District Engineer's office shall send notify
5 the permit ~~holder/sign holder~~ owner a notice of violation by certified mail of the alleged violation under Rule .0210 of this
6 Section. The permit ~~holder/sign holder~~ owner shall be given thirty (30) days in which to bring the sign into compliance,
7 if ~~permissible by these rules,~~ [compliance] compliance, if permissible by these Rules, within 30 days of receipt of the
8 notification. ~~[the permit holder shall either bring the sign into compliance if permissible by these rules]~~ or provide
9 information concerning the alleged violation to the ~~district engineer~~ District Engineer's office to be considered prior to the
10 ~~actual~~ revocation. The ~~district engineer~~ District Engineer's office shall consider the information provided by the permit
11 holder prior to any revocation of a permit.

12 (b) [Upon a finding of the District Engineer that a violation of the Rules of this Section or the Outdoor Advertising Act]
13 If the permit holder does not bring the sign into compliance after 30 days, if permissible by these Rules, and the District
14 Engineer determines that a violation has occurred [occurred,] ~~When, in the opinion of the District Engineer, a violation of~~
15 ~~as set forth in Rule .0210 of this Section has occurred, Section,~~ he or she shall notify-send the permit holder ~~holder/sign~~
16 ~~owner [owner]~~ for the outdoor advertising structure a notice of revocation by certified mail, return receipt requested. ~~The~~
17 ~~notification shall include the following information: requested, stating the factual and statutory or regulatory basis for the~~
18 ~~revocation, and include a copy of the Outdoor Advertising rules~~ The notification shall also state that because the structure
19 is in violation of the provisions of the Outdoor Advertising Control Act or the rules in this Section, the structure is unlawful
20 and a nuisance and that if the structure is not removed or made to conform to the provisions of the act or the rules within
21 30 days after receipt of the notification, if permitted by these rules, the Department of Transportation or its agents shall, at
22 the expense of the permit holder/sign owner, remove the outdoor advertising structure.

- 23 (1) the factual and statutory or regulatory basis for the revocation;
24 (2) a copy of the Rules of this Section; and
25 (3) a statement that is unlawful and a nuisance in accordance with G.S. 136-134.

26 ~~(e) An outdoor advertising structure cannot be made to conform to the Outdoor Advertising Control Act or these Rules~~
27 ~~when the permit is revoked under 19A NCAC 2E .0210 (2),(3),(11), or (12).~~

28 (c) Upon receipt of the notice of revocation, the permit holder shall either remove or bring the outdoor advertising
29 structure into compliance with the Outdoor Advertising Act and Rules of this Section within 30 days. If the permit holder
30 or site owner fails to do so, the Department shall remove the outdoor advertising structure at the expense of the permit
31 holder.

32 (d) An outdoor advertising structure cannot be made to conform to the Outdoor Advertising Control Act or these
33 Rules when the permit is revoked under 19A NCAC 02E .0210 (2), (3), (11), or (12).

34
35 *History Note: Authority G.S. 136-130; 136-134;*

36 *Eff. July 1, 1978;*

37 *Amended Eff. August 1, 2000; November 1, 1993; December 1, 1990; June 15, 1981-1981;*

1
2

Readopted Eff. January 1, 2021.