

19A NCAC 02E .0905 CONDITIONS, NOTICE OF VIOLATIONS AND APPEALS

- (a) The continued placement, use and maintenance of newspaper dispensers is conditioned upon compliance with all the provisions of this Section. If any of the provisions of this Section are alleged to have been violated or if the location, installation, or condition of the newspaper dispenser no longer meets with the specifications of this Section the permittee shall be notified of the non-compliance by registered mail, return receipt requested.
- (b) The notice shall state the specific provision(s) of this Section which are alleged to have been violated.
- (c) The notice shall further state that, upon request by the permittee within 15 days of the receipt of said notice, the official issuing the notice of violation shall meet with the permittee to discuss the basis for the determination that a violation exists and any proposed means of eliminating any violations. That meeting shall take place within 30 days of said request. A request for such a meeting shall stay the further enforcement of this Section, except in emergency situations. Following any such meeting, the official issuing the notice of violation may rescind the notice if it is determined that there was no violation or in the event the alleged violation is otherwise eliminated. The official may also grant time for the correction of any violation upon request.
- (d) If, within 30 days after mailing the notice of non-compliance, or within 30 days after the meeting referred to in Paragraph (c) of this Rule, in the event a meeting is requested and does not resolve the dispute in a mutually acceptable manner, or the permittee has failed to remove the newspaper dispenser or otherwise correct the violation or reason for non-compliance, the permit shall be revoked and the permittee shall be notified by registered mail that the permit has been revoked.
- (e) The decision as provided for in Paragraph (d) of this Rule shall be the final agency decision.
- (f) If the permittee (or applicant where no permit has been issued) fails to appeal from the revocation of a permit or a decision not to grant a permit, and does not remove or have removed the newspaper dispenser in question within 30 days from the receipt of a revocation notice, the newspaper dispenser shall be removed by the Department of Transportation maintenance personnel and stored at a Department of Transportation maintenance yard. The permittee shall be notified by registered mail of the location of the newspaper dispenser and the hours when it may be obtained. The Department of Transportation shall not be liable for any damage to the newspaper dispenser, to any material contained therein, or for any lost sales caused by the removal, transportation or storage of the newspaper dispenser.

*History Note: Authority G.S. 136-18(9);
Eff. October 1, 1991;
Amended Eff. December 1, 1993;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.*