

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 1045
Second Edition Engrossed 5/12/93

Short Title: Nonemployee Inspectors.

(Public)

Sponsors: Representatives Miner; and J. Preston.

Referred to: Insurance.

April 19, 1993

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE CITIES AND COUNTIES TO CONTRACT WITH
NONEMPLOYEES TO CONDUCT BUILDING INSPECTIONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 153A-353 reads as rewritten:

"§ 153A-353. Joint inspection department; other arrangements.

A county may enter into and carry out contracts with one or more other counties or cities under which the parties agree to create and support a joint inspection department for enforcing those State and local laws and local ordinances and regulations specified in the agreement. The governing bodies of the contracting units may make any necessary appropriations for this purpose.

In lieu of a joint inspection department, a county may designate an inspector from another county or from a city to serve as a member of the county inspection department, with the approval of the governing body of the other county or ~~city-city~~, or may contract with an individual who is not a city or county employee but who is otherwise qualified to be an inspector. ~~The inspector,~~ The inspector, if designated from another county or city under this section, while exercising the duties of the position, is a county employee."

Sec. 2. G.S. 153A-355 reads as rewritten:

"§ 153A-355. Conflicts of interest.

Unless he is the owner of the building, no member of an inspection department or other individual contracting with a county to conduct inspections ~~may~~ shall be financially interested or employed by a business that is financially interested in

1 furnishing labor, material, or appliances for the construction, alteration, or maintenance
2 of any building within the county's territorial jurisdiction or any part or system thereof,
3 or in making plans or specifications therefor. No member of any inspection department
4 or other individual contracting with a county to conduct inspections may engage in any
5 work that is inconsistent with his duties or with the interest of the county."

6 Sec. 3. G.S. 160A-413 reads as rewritten:

7 **"§ 160A-413. Joint inspection department; other arrangements.**

8 A city council may enter into and carry out contracts with another city, county, or
9 combination thereof under which the parties agree to create and support a joint
10 inspection department for the enforcement of State and local laws specified in the
11 agreement. The governing boards of the contracting parties are authorized to make any
12 necessary appropriations for this purpose.

13 In lieu of a joint inspection department, a city council may designate an inspector
14 from any other city or county to serve as a member of its inspection department with the
15 approval of the governing body of the other city or ~~county~~ county, or may contract with
16 an individual who is not a city or county employee but who is otherwise qualified to be
17 an inspector. ~~The inspector~~ The inspector, if designated from another city or county
18 under this section, shall, while exercising the duties of the position, be considered a
19 municipal employee.

20 The city council of any city may request the board of county commissioners of the
21 county in which the city is located to direct one or more county building inspectors to
22 exercise their powers within part or all of the city's jurisdiction, and they shall thereupon
23 be empowered to do so until the city council officially withdraws its request in the
24 manner provided in G.S. 160A-360(g)."

25 Sec. 4. G.S. 160A-415 reads as rewritten:

26 **"§ 160A-415. Conflicts of interest.**

27 No member of an inspection department or other individual contracting with a city
28 to conduct inspections shall be financially interested or employed by a business that is
29 financially interested in the furnishing of labor, material, or appliances for the
30 construction, alteration, or maintenance of any building within the city's jurisdiction or
31 any part or system thereof, or in the making of plans or specifications therefor, unless he
32 is the owner of the building. No member of an inspection department or other individual
33 contracting with a city to conduct inspections shall engage in any work that is
34 inconsistent with his duties or with the interest of the city."

35 Sec. 4.1. G.S. 143-151.8(a)(3) reads as rewritten:

36 "(3) 'Code enforcement' means the examination and approval of plans and
37 specifications, or the inspection of the manner of construction,
38 workmanship, and materials for construction of buildings and
39 structures and components thereof, or the enforcement of fire code
40 regulations as an employee of the State or local ~~government,~~
41 government or other individual contracting with the State or a local
42 government to conduct inspections, except an employee of the State
43 Department of Labor engaged in the administration and enforcement
44 of those sections of the Code which pertain to boilers and elevators, to

- 1 assure compliance with the State Building Code and related local
2 building rules."
3 Sec. 5. This act is effective upon ratification.