

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 32

Short Title: Building Inspector Duties.

(Public)

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Sponsors: Senators Speed, Odom, and Shaw.

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Referred to: Local Government.

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February 6, 1991

A BILL TO BE ENTITLED

AN ACT TO AMEND CHAPTERS 160A AND 153A OF THE GENERAL  
STATUTES RELATING TO THE DUTIES OF LOCAL BUILDING  
INSPECTORS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-425 reads as rewritten:

**"§ 160A-425. Defects in buildings to be corrected.**

When a local inspector finds any defects in a building, or finds that the building has not been constructed in accordance with the applicable State and local laws, or that a building because of its condition is dangerous or contains fire hazardous conditions, it shall be his duty to notify the owner ~~or~~ and the occupant of the building of its defects, hazardous conditions, or failure to comply with law. ~~The owner or occupant shall each immediately remedy the defects, hazardous conditions, or violations of law in the property he owns.~~ In the event that the deficiencies or defects were the result of a failure to construct or alter the building in accordance with the applicable State and local laws, it shall be the duty of the local inspector also to use reasonable diligence to locate and notify the person who constructed or altered the building of the defects, hazardous conditions, or failure to comply with the law. The owner of the building or the person who constructed or altered the building shall each be responsible for remedying the defects, hazardous conditions, or violations of law in the property. Provided, however, that if the defects, hazardous conditions, or violations of law are the results of the builder's failure to construct or alter the building in accordance with applicable law, he shall bear the primary responsibility for remedying the defects. The person primarily responsible for remedying the defects shall immediately do so."

1           Sec. 2. G.S. 153A-365 reads as rewritten:

2   "**§ 153A-365. Defects in buildings to be corrected.**

3       If a local inspector finds any defect in a building, or finds that the building has not  
4 been constructed in accordance with the applicable State and local laws and local  
5 ordinances and regulations, or finds that a building because of its condition is dangerous  
6 or contains fire-hazardous conditions, he shall notify the owner ~~or~~ and the occupant of  
7 the building of its defects, hazardous conditions, or failure to comply with law. ~~The~~  
8 ~~owner and the occupant shall each immediately remedy the defects, hazardous conditions, or~~  
9 ~~violations of law in the property each owns.~~ In the event that the deficiencies or defects  
10 were the result of a failure to construct or alter the building in accordance with the  
11 applicable State and local laws and local ordinances and regulations, it shall be the duty  
12 of the local inspector also to use reasonable diligence to locate and notify the person  
13 who constructed or altered the building of the defects, hazardous conditions, or failure  
14 to comply with the law. The owner of the building or the person who constructed or  
15 altered the building shall each be responsible for remedying the defects, hazardous  
16 conditions, or violations of law in the property. Provided, however, that if the defects,  
17 hazardous conditions, or violations of law are the results of the builder's failure to  
18 construct or alter the building in accordance with applicable law, he shall bear the  
19 primary responsibility for remedying the defects. The person primarily responsible for  
20 remedying the defects shall immediately do so."

21           Sec. 3. This act is effective upon ratification and shall apply to inspections  
22 made on or after that date.