

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 966

State and Local Government Committee Substitute Adopted 4/27/99

House Committee Substitute Favorable 7/7/99

Short Title: Building Inspection Contracts.

(Public)

Sponsors:

Referred to:

April 15, 1999

A BILL TO BE ENTITLED

AN ACT RELATING TO THE AUTHORITY TO ENTER INTO CONTRACTS FOR CONDUCTING MUNICIPAL AND COUNTY 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, or may city.~~ A county may also contract with an individual who is not a city or county employee but who holds one of the applicable certificates as provided in G.S. 153A-351.1 or ~~G.S. 160A-411.1.~~ G.S. 160A-411.1 or with the employer of an individual who holds one of the applicable certificates as provided in G.S. 153A-351.1 or G.S. 160A-411.1. Contracts with an

1 individual or with the employer of an individual who is not an employee of another
2 county or a city may be entered into only for specifically designated projects. The
3 inspector, if designated from another county or city under this section, while exercising
4 the duties of the position, is a county employee. The county shall have the same potential
5 liability, if any, for inspections conducted by an individual who is not an employee of the
6 county as it does for an individual who is an employee of the county. The company or
7 individual with whom the county contracts shall have errors and omissions and other
8 insurance coverage acceptable to the county."

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

10 **"§ 153A-355. Conflicts of interest.**

11 Unless he or she is the owner of the building, no member of an inspection department
12 ~~or other individual contracting with a county to conduct inspections~~ shall be financially
13 interested or employed by a business that is financially interested in furnishing labor,
14 material, or appliances for the construction, alteration, or maintenance of any building
15 within the county's territorial jurisdiction or any part or system thereof, or in making
16 plans or specifications therefor. No member of any inspection department or other
17 individual or an employee of a company contracting with a county to conduct
18 inspections may engage in any work that is inconsistent with his or her duties or with the
19 interest of the ~~county.~~ county, as determined by the county. The county must find a
20 conflict of interest if any of the following is the case:

- 21 (1) If the individual, company, or employee of a company contracting to
22 perform inspections for the county has worked for the owner, developer,
23 contractor, or project manager of the project to be inspected within the
24 last two years.
- 25 (2) If the individual, company, or employee of a company contracting to
26 perform inspections for the county is closely related to the owner,
27 developer, contractor, or project manager of the project to be inspected.
- 28 (3) If the individual, company, or employee of a company contracting to
29 perform inspections for the county has a financial or business interest in
30 the project to be inspected."

31 Section 3. G.S. 160A-413 reads as rewritten:

32 **"§ 160A-413. Joint inspection department; other arrangements.**

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

38 In lieu of a joint inspection department, a city council may designate an inspector
39 from any other city or county to serve as a member of its inspection department with the
40 approval of the governing body of the other city or ~~county,~~ or may county. A city may
41 also contract with an individual who is not a city or county employee but who holds one
42 of the applicable certificates as provided in G.S. 160A-411.1 or ~~G.S. 153A-351.1.~~ G.S.
43 153A-351.1 or with the employer of an individual who holds one of the applicable

1 certificates as provided in G.S. 160A-411.1 or G.S. 153A-351.1. Contracts with an
2 individual or with the employer of an individual who is not an employee of another city
3 or a county may be entered into only for specifically designated projects. The inspector,
4 if designated from another city or county under this section, shall, while exercising the
5 duties of the position, be considered a municipal employee. The city shall have the same
6 potential liability, if any, for inspections conducted by an individual who is not an
7 employee of the city as it does for an individual who is an employee of the city. The
8 company or individual with whom the city contracts shall have errors and omissions and
9 other insurance coverage acceptable to the city.

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

15 Section 4. G.S. 160A-415 reads as rewritten:

16 "**§ 160A-415. Conflicts of interest.**

17 No member of an inspection department ~~or other individual contracting with a city to~~
18 ~~conduct inspections~~ shall be financially interested or employed by a business that is
19 financially interested in the furnishing of labor, material, or appliances for the
20 construction, alteration, or maintenance of any building within the city's jurisdiction or
21 any part or system thereof, or in the making of plans or specifications therefor, unless he
22 is the owner of the building. No member of an inspection department or other individual
23 or an employee of a company contracting with a city to conduct inspections shall engage
24 in any work that is inconsistent with his or her duties or with the interest of the city.
25 as determined by the city. The city must find a conflict of interest if any of the following
26 is the case:

- 27 (1) If the individual, company, or employee of a company contracting to
28 perform inspections for the city has worked for the owner, developer,
29 contractor, or project manager of the project to be inspected within the
30 last two years.
- 31 (2) If the individual, company, or employee of a company contracting to
32 perform inspections for the city is closely related to the owner,
33 developer, contractor, or project manager of the project to be inspected.
- 34 (3) If the individual, company, or employee of a company contracting to
35 perform inspections for the city has a financial or business interest in the
36 project to be inspected.

37 The provisions of this section do not apply to a firefighter whose primary duties are fire
38 suppression and rescue, but who engages in some fire inspection activities as a secondary
39 responsibility of the firefighter's employment as a firefighter, except no firefighter may
40 inspect any work actually done, or materials or appliances supplied, by the firefighter or
41 the firefighter's business within the preceding six years."

42 Section 5. G.S. 143-151.8 reads as rewritten:

43 "**§ 143-151.8. Definitions.**

- 1 (a) As used in this Article, unless the context otherwise requires:
2 (1) "Board" means the North Carolina Code Officials Qualification Board.
3 (2) "Code" means the North Carolina State Building Code and related local
4 building rules approved by the Building Code Council heretofore or
5 hereinafter enacted, adopted or approved pursuant to G.S. 143-138.
6 (3) "Code enforcement" means the examination and approval of plans and
7 specifications, or the inspection of the manner of construction,
8 workmanship, and materials for construction of buildings and structures
9 and components thereof, or the enforcement of fire code regulations as
10 an employee of the State or local government ~~or other~~ as an individual
11 contracting with the State or a local government to conduct inspections,
12 or as an individual who is employed by a company contracting with a
13 county or a city to conduct inspections, except an employee of the State
14 Department of Labor engaged in the administration and enforcement of
15 those sections of the Code which pertain to boilers and elevators, to
16 assure compliance with the State Building Code and related local
17 building rules.
18 (4) "Local inspection department" means the agency or agencies of local
19 government with authority to make inspections of buildings and to
20 enforce the Code and other laws, ordinances, and rules enacted by the
21 State and the local government which establish standards and
22 requirements applicable to the construction, alteration, repair, or
23 demolition of buildings, and conditions that may create hazards of fire,
24 explosion, or related hazards.
25 (5) "Qualified Code-enforcement official" means a person qualified under
26 this Article to engage in the practice of Code enforcement.
27 (b) For purposes of this Article, the population of a city or county shall be
28 determined according to the most current federal census, unless otherwise specified."
29 Section 6. This act is effective when it becomes law.