

NORTH CAROLINA GENERAL ASSEMBLY  
1969 SESSION

CHAPTER 1066  
SENATE BILL 694

1 AN ACT AUTHORIZING THE CREATION OF COUNTY INSPECTION DEPARTMENTS.

2  
3 The General Assembly of North Carolina do enact:

4  
5 **Section 1.** A new Article 27 is added to Chapter 153 of the General Statutes, which  
6 shall provide as follows:

7 "Article 27

8 "County Inspection Department.

9 **"G.S. 153-341. Inspection Department.** The board of commissioners of every county in the  
10 State is hereby authorized to create an Inspection Department, which shall consist of one or  
11 more inspectors who may be given the titles of Building Inspector, Electrical Inspector,  
12 Plumbing Inspector, Housing Inspector, Zoning Inspector, Heating and Air-Conditioning  
13 Inspector, Fire Prevention Inspector, or Deputy or Assistant Inspector, or such other titles as  
14 may be generally descriptive of the duties assigned. Such Department may be headed by a  
15 Superintendent or Director of Inspections.

16 **"G.S. 153-342. Duties and Responsibilities.** The duties and responsibilities of any such  
17 Inspection Department and of the inspectors therein shall be to enforce within their territorial  
18 jurisdiction such state and local laws relating to (a) the construction of buildings and other  
19 structures; (b) the installation of such facilities as plumbing systems, electrical systems, heating  
20 systems, refrigeration systems, and air conditioning systems; (c) the maintenance of buildings  
21 and other structures in a safe, sanitary, and healthful condition; and (d) other matters, as may be  
22 specified by the local governing board. Such duties shall include the receipt of applications for  
23 permits and the issuance or denial of permits, the making of any necessary inspections, the  
24 issuance or denial of certificates of compliance, the issuance of orders to correct violations, the  
25 bringing of judicial actions against actual or threatened violations, the keeping of adequate  
26 records, and such other actions as may be required in order adequately to enforce those laws.  
27 The governing board shall have the authority to enact such reasonable and appropriate  
28 provisions governing the enforcement of such laws, not inconsistent with law, as it may deem  
29 necessary.

30 **"G.S. 153-343. Territorial Jurisdiction.** Unless otherwise specified by law, the territorial  
31 jurisdiction within which a county Inspection Department may enforce the State Building Code  
32 (including plumbing, heating, refrigeration, and electrical regulations), any local building  
33 regulations, and any local fire prevention code shall be all unincorporated areas of the county.

34 **"G.S. 153-344. Joint Inspection Department; Other Arrangements.** A county governing  
35 board may enter into and carry out contracts with (a) any municipality or municipalities, (b)  
36 any county or counties, or (c) any combination of municipalities and counties, under which the  
37 parties agree to create and support a joint Inspection Department for the enforcement of such  
38 state and local laws as may be specified in the agreement. The governing boards of the units  
39 which are parties to the agreement shall be authorized to make any necessary appropriations for  
40 such a purpose.

41 In lieu of a joint Inspection Department, a county governing board may designate an  
42 inspector from any other municipality or county to serve as a member of its Inspection

Department, with the approval of the governing body of said municipality or county. Such inspector shall, while exercising the duties of such position, be considered a county employee.

The governing board of any municipality may request that the board of county commissioners of the county in which the municipality is located direct one or more county building inspectors to exercise their powers within part or all of the municipality's jurisdiction, and they shall thereupon be empowered to do so until such time as the municipal governing board officially withdraws its request.

Where a county is not exercising its authority to enforce building, electrical, and plumbing regulations within an area which is regulated by a municipality's validly-enacted zoning ordinance, the governing board of the municipality may request in writing prior to April 1 of any fiscal year that the county initiate such enforcement no later than the beginning of the next fiscal year. If the county declines in writing to exercise such powers or if it fails to initiate enforcement by the beginning of the next fiscal year, the municipality shall thereupon be empowered to enforce all such regulations within said area.

**"G.S. 153-345. Financial Support.** The county governing board may appropriate for the support of the Inspection Department such funds as it deems necessary.

It may provide for paying inspectors fixed salaries or it may in lieu thereof reimburse them for their services by paying over part or all of any fees collected. It shall have power to fix such reasonable fees for issuance of permits, inspections, and other services of the Inspection Department as it deems necessary.

**"G.S. 153-346. Conflicts of Interest.** No member of an Inspection Department shall be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of any building or any part or system there- of, or in the making of plans or specifications therefor, unless he is the owner of such building. No member of an Inspection Department shall engage in any work which is inconsistent with his duties or with the interests of the county.

**"G.S. 153-347. Failure to Perform Duties.** If any member of any Inspection Department shall willfully fail to perform the duties required of him by law, or willfully shall improperly issue a permit, or shall give a certificate of compliance without first making the inspections required by law, or willfully shall improperly give a certificate of compliance, he shall be guilty of a misdemeanor.

**"G.S. 153-348. Permits.** No person shall commence or proceed with (a) the construction, reconstruction, alteration, repair, removal, or demolition of any building or structure, (b) the installation, extension, or general repair of any plumbing system, (c) the installation, extension, alteration, or general repair of any heating or cooling equipment system, or (d) the installation, extension, alteration, or general repair of any electrical wiring, devices, appliances, or equipment, without first securing from the Inspection Department with jurisdiction over the site of the work any and all permits required by the State Building Code and any other state or local laws applicable to such work. Any permit shall be in writing and shall contain a provision that the work done shall comply with the State Building Code and all other applicable state and local laws. No permits shall be issued unless the plans and specifications are identified by the name and address of the author thereof, and where the General Statutes of North Carolina require that plans for certain types of work be prepared only by a registered architect or registered engineer, no permit shall be issued unless such plans and specifications bear the North Carolina seal of a registered architect or of a registered engineer. Where any provision of the General Statutes of North Carolina or of any ordinance requires that work be done by a licensed specialty contractor of any kind, no permit for such work shall be issued unless it is to be performed by such a duly licensed contractor.

**"G.S. 153-349. Time Limitations on Validity of Permits.** Any permit issued pursuant to G.S. 160-122 shall expire by limitation six months after the date of issuance if the work authorized by the permit has not been commenced. If after commencement the work is discontinued for a

period of 12 months, the permit therefor shall immediately expire. No work authorized by any permit which has expired shall thereafter be performed until a new permit therefor has been secured.

**"G.S. 153-350. Changes in Work.** After a permit has been issued, no changes or deviations from the terms of the application, plans and specifications, or the permit, except where such changes or deviations are clearly permissible under the State Building Code, shall be made until specific written approval of such changes or deviations has been obtained from the Inspection Department.

**"G.S. 153-351. Inspections of Work in Progress.** As the work pursuant to a permit progresses, local inspectors shall make as many inspections thereof as may be necessary to satisfy them that the work is being done according to the provisions of any applicable state and local laws and of the terms of the permit. In exercising this power members of the Inspection Department shall have a right to enter on any premises within the jurisdiction of the Department at all reasonable hours for the purposes of inspection or other enforcement action, upon presentation of proper credentials.

**"G.S. 153-352. Stop Orders.** Whenever any building or structure or part thereof is being demolished, constructed, reconstructed, altered, or repaired in a hazardous manner, or in substantial violation of any state or local building law, or in such manner as to endanger life or property, the appropriate Inspector may order the specific part of such work which is in violation or presents such a hazard to be immediately stopped. Such order shall be in writing to the person doing the work, and shall state the specific work to be stopped, the specific reasons therefor, and the conditions under which the work may be resumed. The owner or builder may appeal from such order to the N.C. Commissioner of Insurance within a period of five days after such order is issued. Notice of such appeal shall be given in writing to the Insurance Commissioner, with a copy to the local Inspector. The Insurance Commissioner shall promptly conduct a hearing at which the Appellant and the Inspector shall be permitted to submit relevant evidence, and he shall rule on such appeal as expeditiously as possible. Pending the ruling by the Insurance Commissioner on said appeal no further work shall take place in violation of said order. Violation of a stop order shall constitute a misdemeanor.

**"G.S. 153-353. Revocation of Permits.** The appropriate Inspector may revoke and require the return of any permit by notifying the permit holder in writing stating the reason for such revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with proper orders of the Inspector; for refusal or failure to comply with the requirements of any applicable state or local laws; or for false statements or misrepresentations made in securing such permit. Any permit mistakenly issued in violation of an applicable state or local law may also be revoked.

**"G.S. 153-354. Certificates of Compliance.** At the conclusion of all work done under a permit, the appropriate Inspector shall make a final inspection, and if he finds that the completed work complies with all applicable state and local laws and with the terms of the permit, he shall issue a certificate of compliance. No new building or part thereof shall be occupied, and no addition or enlargement of any existing building shall be occupied, and no existing building after being altered or moved shall be occupied, until the Inspection Department has issued such a certificate; provided, however, that a temporary certificate of compliance may be issued permitting occupancy for a stated period of specified portions of the building which the Inspector finds may safely be occupied prior to final completion of the entire building.

**"G.S. 153-355. Periodic Inspections.** The Inspection Department shall make such periodic inspections as the governing board shall direct, by ordinance or otherwise, for unsafe, insanitary, or otherwise hazardous and unlawful conditions in structures within their territorial jurisdiction. In addition, it shall make such other inspections as may be required when it has reason to believe that such conditions may exist in a particular structure. In exercising this

power, members of the Department shall have a right to enter on any premises within the jurisdiction of the Department at all reasonable hours for the purposes of inspection or other enforcement action, upon presentation of proper credentials.

**"G.S. 153-356. Defects in Buildings to be Corrected.** Whenever a local inspector finds any defects in a building, or finds that said 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 occupant of the building of its defects, hazardous conditions, or failure to comply with law. The owner or the owner of the contents shall immediately remedy such defects, hazardous conditions, or violations of law in the property he owns.

**"G.S. 153-357. Unsafe Buildings Condemned.** Every building which shall appear to the inspector to be especially dangerous to life because of its liability to fire or because of bad condition of walls, overloaded floors, defective construction, decay, unsafe wiring or heating system, inadequate means of egress, or other causes, shall be held to be unsafe, and the inspector shall affix a notice of the dangerous character of the structure to a conspicuous place on the exterior wall of said building.

**"G.S. 153-358. Removing Notice from Condemned Building.** If any person shall remove any notice which has been affixed to any building or structure by a local inspector of any county, which notice shall state the dangerous character of the building or structure, he shall be guilty of a misdemeanor.

**"G.S. 153-359. Action in Event of Failure to Take Corrective Action.** If the owner of a building or structure which has been condemned as unsafe pursuant to G.S. 153-357 shall fail promptly to take corrective action, the local inspector shall give such owner written notice, by certified or registered mail to the last known address of the owner or by personal service, (a) that said building or structure is in such a condition as appears to constitute a fire or safety hazard or to be dangerous to life, health, or other property; (b) that a hearing will be held before the inspector at a designated place and time, which time shall be not less than ten days after the date of such notice, at which hearing the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and (c) that following the hearing, the inspector may issue such order to repair, close, vacate, or demolish the building or structure as appears appropriate.

If the name or whereabouts of the owner cannot after due diligence be discovered, such notice shall be considered properly and adequately served if a copy thereof is posted on the outside of the building or structure in question at least ten days prior to the hearing and a notice of the hearing published in a newspaper having general circulation in the county at least once and at least one week prior to the hearing.

**"G.S. 153-360. Order to Take Corrective Action.** If, upon a hearing held pursuant to the notice prescribed in G.S. 153-359, the inspector shall find that the building or structure is in such a condition as to constitute a fire or safety hazard or to be dangerous to life, health, or other property, he shall make an order in writing, directed to the owner of such building or structure, requiring the owner to remedy such conditions by repairing, closing, vacating, or demolishing the building or structure or taking such other steps as may be necessary, within such period, not less than sixty days, as the inspector may prescribe.

**"G.S. 153-361. Appeal; Finality of Order if not Appealed.** Any owner who has received an order under G.S. 153-360 shall have a right of appeal from such order to the county governing board, provided notice of such appeal is given in writing to the inspector and to the clerk, as agent of the governing board, within ten days following issuance of the order. In the absence of such an appeal, the order of the inspector shall be final. The governing board shall, on receipt of an appeal, hear the same within a reasonable time and take such action to affirm, modify and affirm, or revoke the order as it deems reasonable and proper.

1 **"G.S. 153-362. Failure to Comply with Order.** If the owner of a building or structure fails to  
2 comply with an order issued pursuant to G.S. 153-360 from which no appeal has been taken, or  
3 fails to comply with an order of the county governing board following an appeal, he shall be  
4 guilty of a misdemeanor and shall be punished in the discretion of the court.

5 **"G.S. 153-363. Equitable Enforcement.** Whenever any violation is denominated a  
6 misdemeanor under the provisions of this article, the proper local authorities of the county,  
7 either in addition to or in lieu of other remedies may initiate any appropriate action or  
8 proceedings to prevent, restrain, correct, or abate such action or violation or to prevent the  
9 occupancy of the building or structure involved.

10 **"G.S. 153-364. Records and Reports.** The Inspection Department shall keep complete,  
11 permanent, and accurate records in convenient form of all applications received, permits issued,  
12 inspections and reinspections made, defects found, certificates of compliance granted, and all  
13 other work and activities of said department. Periodic reports shall be submitted to the local  
14 governing body and to the Commissioner of Insurance as they shall by ordinance, rule, or  
15 regulation require.

16 **"G.S. 153-365. Appeals in General.** Unless otherwise specified by law, appeals from any  
17 order, decision, or determination by a member of a local Inspection Department pertaining to  
18 the State Building Code or other state building laws shall be taken to the Commissioner of  
19 Insurance or other official specified in G.S. 143-139, by filing a written notice with him and  
20 with the Inspection Department within a period of ten days after such order, decision, or  
21 determination. Further appeals may be taken to the State Building Code Council or to the courts  
22 as provided by law.

23 **"G.S. 153-366. Establishment of Fire Limits.** The board of Commissioners of every county  
24 may pass one or more ordinances establishing and defining fire limits, which may include  
25 business and industrial sections of the county lying in unincorporated areas not subject to a  
26 validly-adopted municipal zoning ordinance. Within such fire limits, no frame or wooden  
27 building or structure or addition thereto shall be erected, altered, repaired, or moved (either into  
28 such fire limits or from one place to another within the limits), except upon the permit of the  
29 local Inspection Department approved by the Insurance Commissioner. The board of  
30 commissioners may make such additional regulations as it shall deem necessary for the  
31 prevention, extinguishment, or mitigation of fires within such limits."

32 **Sec. 2.** Should any section, clause, or provision of this Act be declared by the courts  
33 to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the  
34 Act as a whole nor any part thereof other than the part so declared to be unconstitutional or  
35 invalid.

36 **Sec. 3.** The powers granted by this Act are intended to supplement and be in  
37 addition to any existing powers of counties. Subject to this overriding intention, all laws and  
38 clauses of laws in conflict herewith are repealed to the extent of such conflict.

39 **Sec. 4.** This Act shall become effective upon its ratification.

40 In the General Assembly read three times and ratified, this the 27th day of June,  
41 1969.