

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 966

Short Title: Building Inspection Contracts.

(Public)

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Sponsors: Senator Clodfelter.

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Referred to: State and Local Government.

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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 contract with a company or 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. The inspector, if designated from another county or city under this section, while exercising the duties of the position, is a county employee. The county shall have the same potential liability, if any, for inspections conducted by an individual who is not an employee of the county as it does for an individual who is an employee of the county. The company or

1 individual with whom the county contracts shall have errors and omissions and other  
2 insurance coverage acceptable to the county."

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

4 **"§ 153A-355. Conflicts of interest.**

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

14 (1) If the individual contracting to perform inspections for the county has  
15 worked for the owner, developer, contractor, or project manager of the  
16 project to be inspected within the last two years.

17 (2) If the individual contracting to perform inspections for the county has a  
18 financial or business interest in the project to be inspected."

19 Section 3. G.S. 160A-415 reads as rewritten:

20 **"§ 160A-415. Conflicts of interest.**

21 ~~No~~Unless he or she is the owner of the building, no member of an inspection  
22 department or other individual contracting with a city to conduct inspections shall be  
23 financially interested or employed by a business that is financially interested in the  
24 furnishing of labor, material, or appliances for the construction, alteration, or  
25 maintenance of any building within the city's jurisdiction or any part or system thereof, or  
26 in the making of plans or specifications therefor, unless he is the owner of the building.  
27 No member of an inspection department or other individual or company contracting with  
28 a city to conduct inspections shall engage in any work that is inconsistent with his or her  
29 duties or with the interest of the city."

30 Section 4. This act is effective when it becomes law.