

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 2013**

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**HOUSE BILL 524**

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Short Title: Greensboro Charter Amendments. (Local)

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Sponsors: Representatives Harrison, Hardister, Adams, and Brandon (Primary Sponsors).

*For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.*

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Referred to: Government, if favorable, Finance.

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April 4, 2013

1                   **A BILL TO BE ENTITLED**

2   AN ACT AMENDING THE CHARTER OF THE CITY OF GREENSBORO TO  
3    AUTHORIZE THE CITY TO ESTABLISH A SMALL BUSINESS ENTERPRISE  
4    PROGRAM AND TO CHANGE CERTAIN REFERENCES FROM BUILDING  
5    INSPECTOR TO COMPLIANCE OFFICER.

6   The General Assembly of North Carolina enacts:

7       **SECTION 1.(a)** Subchapter D of Chapter III of the Charter of the City of  
8    Greensboro, being Chapter 1137 of the 1959 Session Laws, as amended by Chapter 132 of the  
9    1981 Session Laws, Chapter 51 of the 1987 Session Laws, and Chapter 67 of the 1991 Session  
10   Laws, is amended by adding a new section to read as follows:

11      "Sec. 3.66. Small Business Enterprise Program. (a) The City may establish a race and  
12     gender neutral small business enterprise program to promote the development of small  
13     businesses in the Greensboro market area and to enhance opportunities for small businesses to  
14     participate in City contracts. The City may define the term "small business enterprise" as  
15     appropriate and consistent with the City's contracting practices. The City may establish bid and  
16     proposal specifications that include subcontracting goals and good faith efforts requirements to  
17     enhance participation by small business enterprises in City contracts. Notwithstanding the  
18     provisions of G.S. 143-129 and G.S. 143-131, the City may consider a bidder's efforts to  
19     comply with small business enterprise program requirements in its award of City contracts,  
20     and, if a bidder is determined to have failed to comply with the requirements, the City may,  
21     within its discretion, refuse to award a contract to the bidder."

22      (b) The small business enterprise program authorized by this section is intended to  
23     supplement and not replace the requirements of G.S. 143-128.2, 143-131, or 143-135.5. A  
24     small business enterprise program established pursuant to this section shall be deemed  
25     consistent with the public policy of the State of North Carolina to promote and utilize small and  
26     underutilized business enterprises as set forth in G.S. 143-128.2, 143-128.3, and 143-135.5."

27       **SECTION 1.(b)** If any provision of this act or its application is held invalid, the  
28     invalidity does not affect other provisions or applications of this act that can be given effect  
29     without the invalid provisions or applications, and to this end the provisions of this act are  
30     severable.

31       **SECTION 2.** Section 5.65 of the Charter of the City of Greensboro, being Chapter  
32     1137 of the 1959 Session Laws, as amended by Chapter 29 of the 1971 Session Laws and  
33     Chapter 807 of the 1985 Session Laws, reads as rewritten:

34       "Section 5.65. Creation and Duties of Board of Adjustment.



1       (a) The City Council may provide for the creation and organization of a Board of  
2 Adjustment to which appeals may be taken from the decision of the ~~building~~  
3 ~~inspector~~~~compliance officer~~ concerning provisions of the zoning, subdivision, mobile home,  
4 and sign ordinances of the City of Greensboro and any other provisions of the Greensboro  
5 Code of Ordinances in which appeals to the Board of Adjustment may be provided.

6       (b) The Board shall consist of seven (7) members to serve for three year overlapping  
7 terms. The City Council may fix the duties, procedure for appeals to the Board and the vote  
8 required to reverse the ~~building~~~~inspector~~~~compliance officer~~. The Board of Adjustment shall  
9 have the power to elect its own officers, to fix the times and places for its meetings, to adopt  
10 necessary rules of procedure, and to adopt all other rules and regulations not inconsistent with  
11 the duties conferred by the City Council and which may be necessary for the proper discharge  
12 of its duties; and it shall keep an accurate record of all its proceedings.

13      (c) Every decision of the Board shall be subject to review by the Superior Court of  
14 Guilford County by proceedings in the nature of certiorari instituted within thirty days of the  
15 decision of the Board, but not otherwise."

16      **SECTION 3.** Section 5.74 of the Charter of the City of Greensboro, being Chapter  
17 1137 of the 1959 Session Laws, as amended by Chapter 686 of the 1961 Session Laws, Chapter  
18 55 of the 1963 Session Laws, and Chapter 74 of the 1967 Session Laws, reads as rewritten:

19      "Sec. 5.74. Housing Commission. (a) The city council may provide for the creation and  
20 organization of a housing commission to which appeals may be taken from the decision of the  
21 ~~building~~~~inspector~~~~compliance officer~~ upon any provision of the housing code of the city.

22      (b) The commission shall consist of seven members to serve for three-year overlapping  
23 terms. It shall have power to elect its own officers, to fix the times and places for its meetings,  
24 to adopt necessary rules of procedure, and to adopt all other rules and regulations not  
25 inconsistent herewith which may be necessary for the proper discharge of its duties; and it shall  
26 keep an accurate record of all its proceedings.

27      (c) An appeal from any decision or order of the ~~building~~~~inspector~~~~compliance officer~~  
28 may be taken by any person aggrieved thereby or by any officer, board or commission of the  
29 city. Any appeal from the ~~building~~~~inspector~~~~compliance officer~~ to the commission shall be  
30 taken within such reasonable time as shall be prescribed by the commission by general rule and  
31 shall be taken by filing with the ~~building~~~~inspector~~~~compliance officer~~ and with the secretary of  
32 the commission a notice of appeal which shall specify the grounds upon which the appeal is  
33 based. Upon the filing of any notice of appeal, the ~~building~~~~inspector~~~~compliance officer~~ shall  
34 forthwith transmit to the commission all the papers constituting the record upon which the  
35 decision appealed from was made. When an appeal is from a decision of the ~~building~~  
36 ~~inspector~~~~compliance officer~~ refusing to allow the person aggrieved thereby to do any act, his  
37 decision shall remain in force until modified or reversed. When any appeal is from a decision  
38 of the ~~building~~~~inspector~~~~compliance officer~~ requiring the person aggrieved to do any act, the  
39 appeal shall have the effect of suspending the requirement of the ~~building~~~~inspector~~~~compliance~~  
40 ~~officer~~ until the hearing by the commission, unless the ~~building~~~~inspector~~~~compliance officer~~  
41 certifies to the commission, after the notice of appeal is filed with him, that by reason of the  
42 facts stated in the certificate (a copy of which shall be furnished the appellant), a suspension of  
43 his requirement would cause imminent peril to life or property, in which case the requirement  
44 shall not be suspended except by a restraining order, which may be granted, for due cause  
45 shown and upon not less than one day's written notice to the ~~building~~~~inspector~~~~compliance~~  
46 ~~officer~~, by the commission or by the Superior Court of Guilford County.

47      (d) The commission shall fix a reasonable time for the hearing of all appeals and shall  
48 render its decision within a reasonable time. Any party may appear in person or by agent or  
49 attorney. The commission may reverse or affirm, wholly or partly, or may modify the decision  
50 appealed from, and may make such decision and order as in its opinion ought to be made in the  
51 matter, and to that end it shall have all the powers of the ~~building~~~~inspector~~~~compliance officer~~;

1 but the concurring vote of four members of the commission shall be necessary to reverse or  
2 modify any decision of the ~~building inspector~~compliance officer. The commission shall have  
3 power also in passing upon appeals, in any case where there are practical difficulties or  
4 unnecessary hardships in the way of carrying out the strict letter of the housing code, to adapt  
5 the application of the code to the necessities of the case to the end that the spirit of the code  
6 shall be observed, public safety and welfare secured and substantial justice done.

7 (e) Every decision of the commission shall be subject to review by the Superior Court  
8 of Guilford County by proceedings in the nature of certiorari instituted within fifteen days of  
9 the decision of the commission, but not otherwise.

10 (f) If a person fails to comply with an order of the ~~Building Inspector~~compliance  
11 officer or, upon appeal, an order of the Housing Commission to repair, alter, improve, vacate,  
12 close or demolish a building or dwelling, the ~~Building Inspector~~compliance officer may cause  
13 such building or dwelling to be repaired, altered, improved, vacated, closed or demolished;  
14 provided that the duties of the ~~Building Inspector~~compliance officer as set forth herein shall not  
15 be exercised until the Housing Commission shall have, by resolution or other written decree,  
16 ordered the Inspector~~compliance~~ officer to proceed to effectuate the above purposes with  
17 respect to the particular property or properties involved."

18 **SECTION 4.** This act is effective when it becomes law.