

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 524

Short Title: Greensboro Charter Amendments. (Local)

Sponsors: Representatives Harrison, Hardister, Adams, and Brandon (Primary Sponsors).
For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Government, if favorable, Finance.

April 4, 2013

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

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

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

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

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

"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.