

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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SENATE BILL 732

Short Title: County Inspection Contracts.

(Public)

Sponsors: Senator Clodfelter.

Referred to: State and Local Government.

April 2, 2001

A BILL TO BE ENTITLED

AN ACT TO REMOVE THE LIMITATION ON LOCAL GOVERNMENT
CONTRACTS WITH THIRD PARTIES FOR INSPECTION AND PLANS
REVIEW SERVICES.

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. 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 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 individual or with the employer of an individual who is not an employee of another county or a city may be entered into only for specifically designated projects.~~ 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 individual with whom the county contracts shall have errors and omissions and other insurance coverage acceptable to the county."

SECTION 2. G.S. 160A-413 reads as rewritten:

1 **"§ 160A-413. Joint inspection department; other arrangements.**

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

7 In lieu of a joint inspection department, a city council may designate an inspector
8 from any other city or county to serve as a member of its inspection department with the
9 approval of the governing body of the other city or county. A city may also contract
10 with an individual who is not a city or county employee but who holds one of the
11 applicable certificates as provided in G.S. 160A-411.1 or G.S. 153A-351.1 or with the
12 employer of an individual who holds one of the applicable certificates as provided in
13 G.S. 160A-411.1 or G.S. 153A-351.1. ~~Contracts with an individual or with the~~
14 ~~employer of an individual who is not an employee of another city or a county may be~~
15 ~~entered into only for specifically designated projects.~~ The inspector, if designated from
16 another city or county under this section, shall, while exercising the duties of the
17 position, be considered a municipal employee. The city shall have the same potential
18 liability, if any, for inspections conducted by an individual who is not an employee of
19 the city as it does for an individual who is an employee of the city. The company or
20 individual with whom the city contracts shall have errors and omissions and other
21 insurance coverage acceptable to the city.

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

27 **SECTION 3.** This act is effective when it becomes law and applies to
28 contracts entered into, renewed, or substantially amended on or after that date.