

STATE OF NORTH CAROLINA

**INTERLOCAL AGREEMENT
REGARDING FIRE CODE
ENFORCEMENT**

COUNTY OF BRUNSWICK

THIS AGREEMENT made this ___ day of _____, 2015, by and between BRUNSWICK COUNTY, a political subdivision of the State of North Carolina (hereafter “County”) and the Town of Sunset Beach, a municipal corporation located in Brunswick County and organized under the laws of the State of North Carolina (hereafter “Town”).

W I T N E S S E T H:

WHEREAS, Volume V of the North Carolina State Building Code, entitled “Fire Prevention Code” (hereafter “FPC”) has been in effect throughout the State of North Carolina since March 18, 2002; and

WHEREAS, the Town adopted the North Carolina State Fire Prevention Code (FPC) in full including all appendices on June 20, 2005, and that code provides for certain essential services and inspections to be provided; and

WHEREAS, the county must recover its costs in providing those services; and

WHEREAS, the parties acknowledge that prior to the execution of this Agreement, the inspections required under the FPC have been performed by the Sunset Beach Fire Department.

WHEREAS, N.C.G.S. §§160A-461, 160A-413 and 153A-353 authorize the County and Town to enter into agreements for the provision of joint inspection services; and

WHEREAS, there currently exists a County Fire Marshal’s Office in the County.

NOW THEREFORE, in consideration of the mutual promises contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. The term of this Agreement shall continue until terminated by either party herein.

2. The County Fire Marshal's Office will perform inspections and be responsible for ensuring compliance with the mandates of the FPC on property owned or leased by the Town as well as any Town sponsored events.

3. The County Fire Marshal's Office will keep required records, issue permits, perform inspections, post occupant loads, issue orders to correct violations, revoke permits, initiate legal enforcement proceedings and take any other actions necessary to enforce the FPC.

4. Where mandated under the FPC, the Town will require applicants to submit plan review documentation and obtain FPC permits from the County before issuing building permits for Town owned facilities.

5. The parties understand and agree that while the County will make reasonable efforts to issue FPC permits in accordance with State and local law, it is ultimately the Town's responsibility to enforce its ordinances.

6. Inspection and enforcement obligations assumed by the County under this Agreement shall be performed by County employees and/or officials; provided however that Town employees may attend inspections if they possess the necessary qualifications and if the nature and extent of their participation has been approved by the County Fire Marshal.

7. The Town shall permit the County to take all actions necessary to enforce the provisions of the FPC.

8. The parties agree that the character and quality of enforcement and inspection services performed by the County within the Town's jurisdictional limits under the FPC and the fees charged for those services will be equivalent to those provided generally throughout the County.

9. The County shall retain all funds collected as a result of its efforts in issuing permits, performing inspections and otherwise enforcing the FPC.

10. The County shall provide the Town a copy of inspection records on no less than a quarterly basis and as specifically requested.

11. This Agreement is terminable by either party upon sixty (60) days written notice to the other party.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized representatives on the day and year first referenced above.

BRUNSWICK COUNTY

By: _____

ATTEST:

Clerk to the Board

Town of Sunset Beach

BY: _____

ATTEST:

Town Clerk