

RESOLUTION TO ESTABLISH AN INTERLOCAL AGREEMENT TO DESIGNATE THE
TIPPECANOE COUNTY BUILDING COMMISSIONER
AS BUILDING COMMISSIONER FOR TOWN OF BATTLE GROUND

THIS INTERLOCAL AGREEMENT is entered into by and between the Board of Commissioners of the County of Tippecanoe (hereinafter referred to as "County"), and the Town of Battle Ground, Indiana (hereinafter referred to as "Town"). This Agreement is made pursuant to I.C. 36-1-7-1 and the general powers enjoyed by the Town and County, as subdivisions of the State of Indiana particularly I.C. 36-1-3-1 et seq.

WHEREAS, Tippecanoe County, has the office of Tippecanoe County Building Commissioner which has been empowered to administer and enforce certain building rules as established in the Indiana Administrative Code and adopted by reference in said ordinance, and to provide for, the issuance of building permits and to collect fees, therefore, and;

WHEREAS, The Town of Battle Ground, Indiana, having enacted Ordinance 325 & 326 -95 on April 3 , 1995 to adopt by reference certain building rules as established in Title 675 of the Indiana Administrative Code, to provide that all construction, alteration, equipment, use and occupancy, removal, or relocation of buildings and structures shall comply with said rules, and to provide for the violation of said Ordinance and rules adopted thereunder within the corporate limits of the Town of Battle Ground, and;

WHEREAS, said County and Town, as parties hereto desire to designate the office of the Tippecanoe County Building Commissioner to administer and enforce such building rules as each has adopted by ordinance, which procedure is expressly provided for in I.C. 36-7-8-7, and;

WHEREAS, the parties hereto have agreed to make such designation and to set out certain mutually agreed upon conditions therewith by means of the Ordinance of the Town,

NOW THEREFORE IT IS ORDAINED AND AGREED, by said Town and agreed by said County, whose agents are signators hereto that:

1. The Tippecanoe County Building Commissioner is the authorized and designated officer to administer building rules and inspection within the boundaries of the Town of Battle Ground.
2. During the course and scope of performing his duties of inspections within the Town of Battle Ground, the Building Commissioner and his agents shall be deemed to be "volunteer employees" of the Town of Battle Ground. The name of the Building Commissioner and his agents who might perform inspection duties within the Town of Battle Ground shall be provided to the Town so that the names of these "volunteer employees" may be reflected in the minutes of periodic Town Board meetings. Furthermore, the Building Commissioner shall at least annually provide the Town with an estimate of the number of inspections and man hours anticipated to be performed annually by the Building Commissioner or his agents performing inspection duties within the Town of Battle Ground.
3. The Building Commissioner of Tippecanoe County is authorized and empowered to issue building permits, make inspection, order corrections of violation, issue Certificate of Occupancy, and to perform such other ministerial duties as are commonly performed in the execution of his office, on behalf of the Town of Battle Ground.

4. That any appeal of a decision by the Building Commissioner of Tippecanoe County shall lie first with the Trustees of the Town of Battle Ground then with the County Executive pursuant to I.C. 36-7-8-9, and to the Fire Prevention and Building Commission as provided for in I.C. 22-13-2-7.
5. That any judicial remedy sought by the Building Commissioner of Tippecanoe County to enforce his lawful orders to obtain compliance with the building rules of the Town of Battle Ground shall be brought to the Town Attorney for the Town of Battle Ground.
6. That such permit fees that are collected by the Building Commissioner shall be accounted for and deposited in the General Fund of Tippecanoe County and remain with Tippecanoe County as sole compensation for services rendered pursuant to that agreement.
7. That the designation set forth herein is to remain in effect continuously from year to year without the necessity of a formal renewal by either the Town or County, unless terminated by resolution of the Tippecanoe County Commissioners or the Town Council of the Town of Battle Ground. Any termination shall not, except in the case of mutual written agreement, be effective until 90 days after the date of non-terminating unit receives written notice of the termination from the terminating party.
8. The Town of Battle Ground hereby agrees to hold Tippecanoe County harmless with regards to any claims or assertions by a third party as to the services provided under this Agreement by the Tippecanoe County Building Permits Department, its employees or agents.

FURTHERMORE, BE IT ORDAINED, that this resolution shall become effective upon approval by the Board of Commissioners of the County of Tippecanoe and the final adoption hereof by the Town Council of the Town of Battle Ground, and upon signing of this document by their respective executive officers.

Enacted, determined and ordained, this 3 day of April , 1995.

BATTLE GROUND TOWN COUNCIL

David L. Ferringer
PRESIDENT

Stanley J. Cunningham
MEMBER

Donald D. McKee
MEMBER

Marie McCoy
MEMBER

MEMBER

ATTEST:

Geraldine Berghoff
CLERK-TREASURER

The conditions set forth therein are hereby approved by resolution of the Board of Commissioners of the County of Tippecanoe and said Board does hereby enter into an agreement with the Council of said Town to provide said services.

BOARD OF COMMISSIONERS
OF TIPPECANOE COUNTY

William D. Haan
William D. Haan, President

Nola J. Gentry
Nola J. Gentry, Vice-President

Gene Jones
Gene Jones, Member

ATTEST: Betty J. Michael by
Betty J. Michael, Auditor
Joan R. Garrot, Chief Deputy