

**COUNTY OF LAPORTE, INDIANA**

**RESOLUTION NO. 2017-DIA**

**A RESOLUTION AUTHORIZING AND APPROVING THE ENTRY INTO A  
JOINT INTERLOCAL COOPERATION AGREEMENT FOR BUILDING  
INSPECTION SERVICES BETWEEN THE TOWN OF MICHIANA SHORES,  
INDIANA AND LAPORTE COUNTY, INDIANA**

**WHEREAS**, the Town Council of the Town of Michiana Shores, LaPorte County, Indiana, has undertaken, after extensive review analysis, substantial budget reduction activities, including staff and personnel reduction, resulting in reorganization of staffing in certain departments of the Town, including the Town Planning and Building Department; and

**WHEREAS**, the Town Council of the Town of Michiana Shores now seeks to enter into a current Joint Interlocal Cooperation Agreement based upon the provisions and requirements of Indiana Code 36-1-7, *et seq.* with LaPorte County, Indiana for building inspection services of Planning and Building Department of LaPorte County personnel of the Town of Michiana Shores and LaPorte County for building inspection and permit review services by each entity with the other for the mutual benefit of each of the participating governmental entities, at shared costs; and

**WHEREAS**, the County of LaPorte has determined that entry into a Joint Interlocal Cooperation Agreement with the Town of Michiana Shores for building inspection services is in the best interest of the residents of LaPorte County, and therefore, has determined that it is advisable to enter into such Joint Interlocal Cooperation Agreement pursuant to the applicable provisions of Indiana law.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY OF LAPORTE, INDIANA, AS FOLLOWS:**

**SECTION ONE:** That LaPorte County, Indiana, shall take all appropriate and legal measures to enter into a Joint Interlocal Cooperation Agreement with the Town of Michiana Shores, in 2016, for providing building inspection services by and between the two (2) entities for the mutual benefit of the participating entities for costs of Fifty Dollars (\$50.00) per inspection.


**SECTION TWO:** That the President of the County Commissioners is hereby authorized and permitted to execute and deliver a Joint Interlocal Cooperation Agreement for building inspection services between the Town of Michiana Shores and LaPorte County pursuant to the applicable provisions of Indiana Code 36-1-7, *et seq.*, as amended from time to time.


**SECTION THREE:** That a copy of the Joint Interlocal Cooperation Agreement between the Town of Michiana Shores, LaPorte County, Indiana, and LaPorte County, Indiana for building inspection services between the two (2) entities shall be attached to this Resolution and incorporated herein by reference.

**SECTION FOUR:** That this Resolution shall take effect, and be in full force and effect from and after its approval and passage by the County Council of LaPorte County, Indiana, in conformance with applicable law.

ALL OF WHICH IS PASSED AND RESOLVED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2017, BY THE COUNTY COUNCIL OF LAPORTE COUNTY, INDIANA.

COUNTY COUNCIL  
OF LAPORTE COUNTY, INDIANA


  
Lois Sositar, President

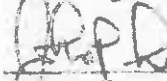
  
Jeff Santana

Terry Gardner

  
Cary Kirkham

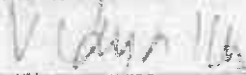
  
Randall Novak

  
Mark Yagelski

  
John Sullivan

**COUNTY COMMISSIONERS  
OF LAPORTE COUNTY, INDIANA**

  
\_\_\_\_\_  
Rich Mrozinski, President

  
\_\_\_\_\_  
Vidya Kora

  
\_\_\_\_\_  
Michael Gender

**ATTEST**

  
\_\_\_\_\_  
Joie Winski, Auditor

**INTERLOCAL COOPERATION AGREEMENT BETWEEN THE TOWN OF  
MICHIANA SHORES AND LAPORTE COUNTY, INDIANA  
REGARDING BUILDING CODE INSPECTION SERVICES**

**WHEREAS**, Indiana Code § 36-1-7-1, *et seq.*, permits governmental entities to jointly exercise powers through interlocal cooperation agreements; and

**WHEREAS**, the Town of Michiana Shores ("Town"), acting by and through its Town Council, and the County of LaPorte, Indiana ("County"), acting by and through its Board of Commissioners and its County Council, determined that the interests of the citizens of both entities would be better served by coordinating and combining certain building code inspection services through an interlocal cooperation agreement; and

**WHEREAS**, the Town and the County have determined that it is more cost effective and convenient for the citizens of LaPorte County, Indiana and the Town of Michiana Shores for LaPorte County to conduct building inspections on behalf of the Town of Michiana Shores;

**WHEREAS**, this Interlocal Cooperation Agreement ("Agreement") reflects the commitments and understandings agreed to by the Town and County in order to efficiently and effectively administer building code inspections in the Town of Michiana Shores.

**NOW, THEREFORE**, the Town and County agree as follows:

**Part 1. Definitions.**

"Building Permit" shall include without limitation any permit for construction, remodeling, demolition, moving, plumbing/heating, ventilation, and air conditioning (HVAC), electrical, or any other permit that affects construction, demolition, use and/or occupancy of land, buildings or structures, provided that such permit is within the scope of "Building Code Jurisdiction" as defined herein.

"Building Code Jurisdiction" refers to applicability, administration and enforcement of Town and County ordinances adopting state building, plumbing, electrical, mechanical, energy conservation, swimming pool, and fire safety codes; specifically, this term refers to LaPorte County Code and to those portions of the Town of Michiana Shores Municipal Code that concern such State codes.

"Town Zoning Jurisdiction Area" refers to the area within the incorporated boundaries of the Town of Michiana Shores existing on the first day of this Agreement is in effect and

as changed through annexation of additional territory for which the Town possess planning, zoning, and subdivision control authority.

**Part 2. Building Code Jurisdiction.**

The Town of Michiana Shores Building Department shall enforce all State building, plumbing, electrical, mechanical, energy conservation, and fire building safety codes, as adopted by the Town ordinances, within the corporate limits of the Town. The Town will administer planning, zoning, and subdivision compliance functions within the Town Zoning Jurisdiction Area, including, without limitations, the assignment of street addresses.

- A. The Town of Michiana Shores Building Department shall accept building permit applications and will provide review, issue permits, receive fees, and enforcement, as required, for all buildings within the Town.
- B. The County will not issue a building permit for a project located within the Town Zoning Jurisdiction Area. The Town will transcribe the conditions required by the Town onto the building permit, and the Town will require compliance with the conditions as part of any temporary or permanent Certificate of Occupancy issued for the project by the County.
- C. The Town Planning Department will electronically transmit such application materials directly to the County Planning Department. Both parties agree to make their best efforts to expedite the processing of permits under this agreement. The County agrees to review and act upon all inspection applications as soon as reasonably possible after receipt from the County and transmit the results of the inspection within two (2) business days of such inspection, as conditions allow.
- D. The Town will enforce zoning and subdivision compliance and administer bonds within the Town Zoning Jurisdiction Area. The County and the Town will cooperate to providing information requested by the other party in a timely fashion.
- E. The Town will notify the appropriate Fire Department for fire code inspections and shall transcribe all notations requested by the Fire Department, with jurisdiction over the project area, on to temporary and permanent Certificates of Occupancy. The Town will notify the Town Fire Department to coordinate review, response, and comment to the State Fire and Building Safety Commission.

regarding all applications for variance within the corporate boundaries of the Town.

- F. The County shall inspect for compliance with all Town of Michiana Shores utility regulations and those of service providers and any ordinances or regulations governing construction/connection of utilities related to permit activity between the building and the connection to meters or mains.
- G. The Town shall issue stop work orders on Building Permits issued by the Town where violations of applicable Town zoning/subdivision or historic preservation regulations, including erosion control, would result from continued construction activity, or land disturbing activity, or where work is stayed due to an appeal to the Board of Zoning Appeals as provided in Indiana Code § 36-7-4-1001. Enforcement action shall be taken by the Town whose ordinances or conditions of approval have been violated.

**Part 3. Recitals of Commitment, Purpose, Duration, and Renewal of Agreement.**

- A. The level of cooperation recited in this Agreement is intended to exist in perpetuity for the efficient and effective delivery of governmental services to the citizens of LaPorte County. However, the parties recognize that modifications may be required, both to the Agreement itself, or to the practices and procedures that bring the recitals contained within this document to fruition.
- B. The County inspection fees shall be Fifty Dollars (\$50.00) per appearance or visit.
- C. The Town will collect the Town Zoning Compliance Review Fee specified by the Town, and will transmit the inspection fees to the County on a quarterly basis. Payments to the Town will be made as promptly as possible after April 1<sup>st</sup>, July 1<sup>st</sup>, October 1<sup>st</sup>, and January 1<sup>st</sup> of each year of this Agreement, allowing for the Town's claim processing procedures. No other payments will be due to the County, from the Town, under this agreement.
- D. The term of this Agreement shall be for one (1) year commencing on January 1, 2017, and ending on December 31, 2017. This Agreement may be renewed by mutual agreement of the parties for an appropriate term of years, taking into consideration agreed upon adjustment of fees.

E. The Town and County departments affected by the terms of this Agreement will continue to communicate and cooperate together to assure that the purposes of this Agreement are achieved on behalf of and to the benefit of the citizens of LaPorte County, Indiana.

**Part 4. Interpretation and Severability.**

- A. Because the jurisdictional approach set forth in this Agreement departs from current practice, the parties acknowledge and agree that this Agreement shall be liberally construed so that the parties can cooperatively address unforeseen problems through the implementation of policies, with minimal need for Agreement amendment.
- B. If any provision of this Agreement is declared, by a court of competent jurisdiction, to be invalid, null, void, or unenforceable, the remaining provisions shall not be affected and shall have full force and effect.

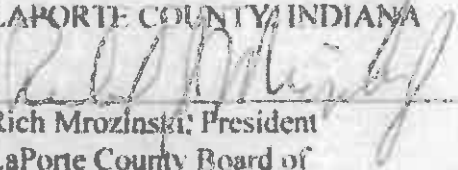
**Part 5. Approval, Consent and/or Cooperation.**


Whenever this Agreement requires the approval, consent and/or cooperation of a party (or parties), said approval, consent and/or cooperation shall not be unreasonably withheld.

**Part 6. Appropriation of Funds.**

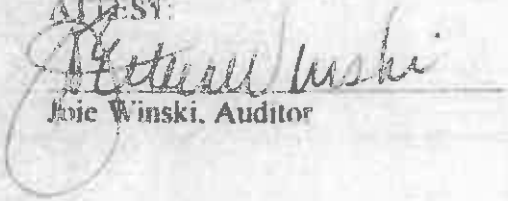
The parties acknowledge and agree that the performance of this Agreement is subject to the appropriation of sufficient funds by their respective councils. The parties agree to make a good faith effort to obtain all necessary appropriations from their councils and to comply with all provisions of this Agreement to the extent feasible under current or future appropriations.

LAPORTE COUNTY, INDIANA

  
Rich Mrozinski, President  
LaPorte County Board of  
Commissioners


  
Lois Sosinski, President  
LaPorte County Council

ALJEST:


  
Joie Winski, Auditor



TOWN OF MICHIANA SHORES, INDIANA

  
Alex Sprovisoff, President  
Michiana Shores Town Council

ATTEST:

  
Joan M. Lewis, Town Clerk-Treasurer