

STATE OF NORTH CAROLINA

COUNTY OF MCDOWELL

MEMORANDUM OF AGREEMENT

THIS AGREEMENT is entered into between the City of Marion and the County of McDowell regarding enforcement of the North Carolina State Building and Fire Codes in McDowell County owned buildings located within the corporate limits of the City of Marion, and in Marion City owned buildings located in unincorporated parts of the County of McDowell.

WITNESSETH:

WHEREAS, the City of Marion and the County of McDowell each have their own building and fire inspections program with certified inspectors; and

WHEREAS, the City of Marion and the County of McDowell desire to allow the County of McDowell to assume responsibility for enforcement of the North Carolina State Building and Fire Codes in County of McDowell owned buildings located within the corporate limits of the City of Marion; and

WHEREAS, the City of Marion and the County of McDowell desire to allow the City of Marion to assume responsibility for enforcement of the North Carolina State Building and Fire Codes in City of Marion owned buildings located in unincorporated parts of the County of McDowell; and

WHEREAS, the City of Marion and the County of McDowell each recognize the importance of keeping City and County emergency response personnel informed of changes in, or improvements of, building, electrical, mechanical, plumbing and fire protection components of County owned buildings located within the corporate limits of the City of Marion, and in City owned buildings located in unincorporated parts of the County of McDowell.

NOW, THEREFORE, the parties hereto do hereby covenant and agree to the assignment of responsibility for enforcement of the North Carolina Building and Fire Codes in County owned buildings within the corporate limits of the City of Marion, and in City owned buildings in unincorporated parts of the County of McDowell as follows:

1. McDowell County certified inspectors shall issue permits, conduct inspections and issue certificates of compliance and certificates of occupancy for all work on building, electrical, mechanical, plumbing and fire safety components as required by the North Carolina State Building and Fire Codes for all County-owned buildings located within the corporate limits of the City of Marion.

2. City of Marion certified inspectors shall issue permits, conduct inspections and issue certificates of compliance and certificates of occupancy for all work on building, electrical, mechanical, plumbing and fire safety components as required by the North Carolina State Building and Fire Codes for all City-owned buildings located within the unincorporated areas of the County of McDowell.
3. With respect to such permit issuance, inspection, issuance of certificates of compliance and issuance of certificates of occupancy, the City of Marion agrees to indemnify and hold harmless the County of McDowell against any and all claims arising out of or related to such inspections by the City. The County of McDowell agrees to indemnify and hold harmless the City of Marion against any and all claims arising out of or related to such inspections by the County.
4. The City of Marion and the County of McDowell each agree to furnish the other with copies of all permits and certificates of occupancy issued pursuant to the provisions of this Agreement, such copies to be submitted promptly upon issuance to the respective fire official as defined by the North Carolina State Building Code, so each may notify the appropriate fire department of the undertaking of work requiring North Carolina State Building Code regulation. No fees shall be required to be paid by the City or County to each other for any permits or certificates of occupancy issued pursuant to the provisions of this agreement, or for any inspections conducted.
5. The City of Marion and the County McDowell agree to and understand that all other local regulations, such as Zoning Ordinance, Subdivision Regulations, or other local ordinances or policies, must be met and all applicable fees relating to such regulations paid to the appropriate jurisdiction.

This the 16th day of March, 2004.

ATTEST:

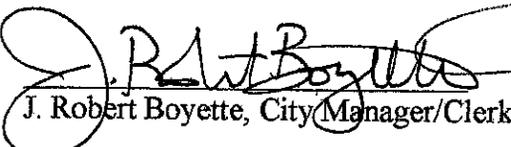
BOARD OF COMMISSIONERS FOR
THE COUNTY OF MCDOWELL

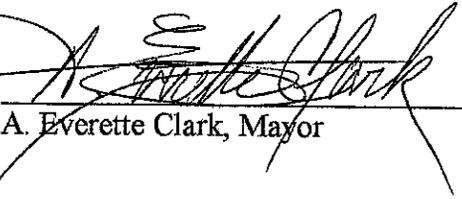

Carrie Padgett, Clerk to the Board


David Walker, Chairman

ATTEST:

CITY OF MARION


J. Robert Boyette, City Manager/Clerk


A. Everette Clark, Mayor