

COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND

2016 Legislative Session

Legislative Day No. 06

Resolution No. 40-2016

Introduced by: The President of the Council at the request of the County Executive

A RESOLUTION APPROVING AN AGREEMENT BETWEEN WICOMICO COUNTY, MARYLAND AND THE TOWN OF WILLARDS FOR THE ENFORCEMENT OF FIRE PREVENTION WITHIN THE CORPORATE LIMITS OF THE TOWN OF WILLARDS, AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE THE AGREEMENT.

WHEREAS, Wicomico County adopted legislation designated in Chapter 144 of the Wicomico County Code to enforce fire prevention within the County; and

WHEREAS, the Town of Willards has reviewed the County's regulations and laws for fire prevention and have determined that it is appropriate to authorize the regulation of fire prevention, within its corporate boundaries; and

WHEREAS, the Town of Willards does not have any experience or expertise with fire prevention and desires to authorize Wicomico County, Maryland to fully enforce the provisions of Chapter 144 of the Wicomico County Code, amended from time to time, within its corporate limits; and

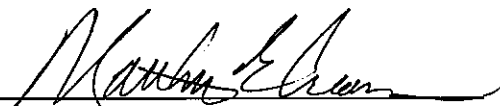
WHEREAS, Wicomico County, Maryland is willing to administer and enforce its fire prevention regulations and laws within the corporate limits of the Town of Willards.

NOW, THEREFORE, BE IT RESOLVED by the County Council of Wicomico County, Maryland that the County Executive be, and is hereby, authorized to execute, on behalf of Wicomico County, Maryland, an Agreement, in substantially the form attached hereto as Exhibit A, with the Town of Willards for the enforcement of fire prevention within the corporate limits of the Town of Willards.

Done at Salisbury, Maryland, this 15th day of March, 2016.

ATTEST:

COUNTY COUNCIL OF
WICOMICO COUNTY, MARYLAND



Matthew E. Creamer,
Council Administrator

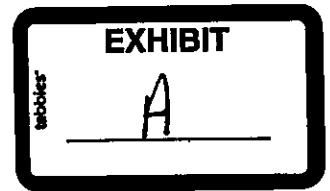


John T. Cannon,
Council President

CERTIFICATION

This Resolution was Adopted , Adopted with Amendments , Failed , Withdrawn by the County Council on March 15, 2016.

Certified by 
Matthew E. Creamer, Council Administrator



**AGREEMENT
ASSIGNING FIRE PREVENTION CODE OBLIGATIONS**

THIS AGREEMENT ASSIGNING FIRE PREVENTION CODE OBLIATIONS (“Agreement”), is entered as of this 1st day of March, 2016, by and between The Town of Willards, a body corporate and politic of the State of Maryland (“The Town”) and Wicomico County, Maryland, a body corporate and politic of the State of Maryland (“The County”), **WITNESSETH.**

WHEREAS, The Town desires to adopt adequate fire prevention regulations; and

WHEREAS, The Town has determined that it is appropriate to authorize the regulation of fire prevention and fire safety within their corporate boundaries; however, The Town has no current experience or expertise with fire prevention and afire safety; and

WHEREAS, under and by virtue of the authority contained in the Annotated Code of Maryland, Local Government Article, and further for the protection and promotion of the health, safety, comfort, and welfare of its citizens, The County is authorized to regulate the fire prevention and fire safety to protect human life and health, minimize property damage and encourage appropriate construction practices to minimize future damage; and

WHEREAS, The County has enacted Chapter 144 of the County Code establishing county-wide fire prevention regulations (the “Wicomico County Fire Prevention Code”); and

WHEREAS, The County agrees to enforce the provisions of its fire prevention regulations, Wicomico County Code Chapter 144, within the corporate limits of The Town of Willards to identify and mitigate problems which can threaten public health and safety.

WHEREAS, The Town has approved this Agreement between The Town of Willards and Wicomico County, Maryland for the Enforcement of The County’s fire prevention regulations and laws within the corporate limits of The Town of Willards, and has authorized the President for The Town Council for The Town of Willards to execute this Agreement, all as set forth in Ordinance No. 2016-1.

NOW, THEREFORE, That for and in consideration of the premises set forth above, the covenants and agreements hereinafter set forth, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, The Town of Willards and Wicomico County, Maryland hereby covenant and agree as follows:

1. The Town of Willards hereby assigns its obligations for fire prevention to Wicomico County, Maryland to assure compliance with the fire prevention regulations of Chapter 144 of the Wicomico County Code including, but not limited to, investigation of compliance with minimum standards, permitting processes, notice and orders, and the prosecution and imposition of violations and penalties.

2. The Town of Willards further agrees to abide by the procedures and regulations of Chapter 144 of the Wicomico County Code.

3. The Town of Willards further agrees to coordinate its development approval activities including, but not limited to building permits, with the requirements of Chapter 144 of the Wicomico County Code.

4. It is understood and agreed that Wicomico County, Maryland shall have the right and authority to fully enforce said Chapter 144 within the corporate limits of The Town of Willards.

5. It is further understood and agreed that any and all fines received and fees imposed by the County Council of Wicomico County, Maryland for the administration of the Wicomico County Fire Prevention Code within the municipal boundaries of The Town of Willards shall be retained by Wicomico County, Maryland.

6. The Town of Willards may terminate this Agreement by providing Wicomico County, Maryland with written notice thirty (30) calendar days in advance of the effective date of the termination.

7. No modification, waiver, amendment, discharge or change of this Agreement shall be valid unless the same is in writing and signed by the party against whom the enforcement thereof is sought.

8. Each person signing this Agreement represents and warrants that he or she is duly authorized and has legal capacity to execute and deliver this Agreement. Each party represents and warrants to the other that the execution and delivery of this Agreement and the performance of such party's obligations hereunder have been duly authorized and that the Agreement is valid and legally binding on such party and enforceable in accordance with its terms.

9. If the application of any term or provision of this Agreement, whether in whole or in part, be held invalid or unenforceable in general or in any instance by a Court of competent jurisdiction, the remainder of this Agreement shall not be affected by such holding and shall be fully enforced.

10. This Agreement may be executed in multiple counterparts or in duplicate, and when so executed by all parties shall constitute one agreement.

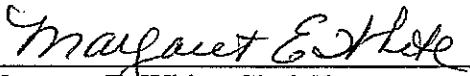
11. This Agreement shall be construed under the laws of the State of Maryland.

[SIGNATURES ON FOLLOWING PAGE]


AS WITNESS, our hands and seals the day and year first above written.

ATTEST:

THE TOWN OF WILLARDS:



Margaret E. White, Clerk/Treasurer

By: 

Steven E. Warren, President

COUNTY CONCURRENCE

Wicomico County, Maryland hereby agrees to accept the request of The Town of Willards to apply the obligations under Chapter 144 of the Wicomico County Code entitled Fire Prevention within the corporate limits of The Town of Willards, upon the terms and conditions hereinabove set forth.

ATTEST:

WICOMICO COUNTY:

R. Wayne Strausburg
County Administrator

By: _____
Bob Culver
County Executive