

**CITY OF LOWELL**

**NORTH CAROLINA**

**GASTON COUNTY**

**INTERLOCAL AGREEMENT FOR  
ENFORCEMENT SERVICES OF  
GASTON COUNTY STORMWATER  
ORDINANCE**

This Agreement made and entered into on the 6<sup>th</sup> day of September, 2007, by and between **GASTON COUNTY** a corporate and political body and a subdivision of the State of North Carolina, hereafter referred to as "County", and the **CITY OF LOWELL**, a municipal corporation having a charter granted by the State of North Carolina, hereinafter referred to as "Municipality".

**WITNESSETH:**

**WHEREAS**, Article 20 of Chapter 160A of the North Carolina General Statutes authorizes the contractual exercise by one unit of local government for one or more other units of any administrative or governmental power, function, public enterprise, right, privilege, or immunity of local government; and,

**WHEREAS**, the Municipality has requested that the County provide enforcement services within the corporate boundaries of the Municipality for Gaston County Stormwater Ordinance; and,

**WHEREAS**, pursuant to N.C. Gen Stat. Chapter 160A, Article 20 upon official request of the governing body of any municipality within the County, the Gaston County Board of Commissioners may by agreement exercise enforcement powers within said municipality and upon such direction may do so until such time as the Municipal governing body officially withdraws its request; and,

**WHEREAS**, the Gaston County Board of Commissioners upon approval of a resolution, and with written notice, may withdraw the offering of the service to the Municipality.

**NOW, THEREFORE**, it is agreed by the parties hereto that the County through the Gaston County Department of Natural Resources will provide enforcement services for Gaston County Stormwater Ordinance in the corporate limits of the Municipality on the terms and conditions set forth below:

1. **Purpose.** The purpose of this Agreement is to set forth the terms and conditions for the Municipality to contract with the County for enforcement services for Gaston County Stormwater Ordinance inside its corporate limits and to confer to the County the necessary geographical and subject matter jurisdiction to carry out the intent of this Agreement.

2. **Term.** The term of this Agreement is July 1, 2007 through June 30, 2008. This Agreement shall automatically renew each year hereafter for successive one year terms unless terminated as provided herein.

3. **Responsibilities.**

A. **Municipality.** The Municipality agrees to:

- (1) allow the County to retain any fees or fines collected in accordance with the law;
- (2) defend all claims against it and its employees for incidents that occur prior to the date of this Agreement and indemnify and hold the County harmless from any judgments against it and said employees. The County agrees to defend all claims against the Municipality arising out of like incidents that occur from and after the date of this Agreement, and further agrees to indemnify and hold the Municipality harmless from any judgments against the Municipality resulting therefrom, unless the County is not at fault.

B. **County.** The County through the County Department of Natural Resources agrees to:

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- (1) provide enforcement services for Gaston County Stormwater Ordinance;
- (2) seek civil and criminal enforcement of the law when necessary in the County's discretion;

4. **Geographic And Subject Matter Jurisdiction.** To the fullest extent permitted by the laws of the State of North Carolina and the United States, the Municipality hereby grants to the County the authority to enforce the Gaston County Stormwater Ordinance as it now exists or as it may hereinafter be adopted within the Municipality's incorporated area, and the County accepts the authority herein granted and agrees fully and faithfully to perform the duties and responsibilities implied by the acceptance of this grant subject to the terms and conditions of this Agreement.

5. **Amendment.** This Agreement may only be amended in writing upon the signature of both parties. No oral agreements or resolutions shall have any effect.

6. **Entire Agreement.** This Agreement is the only agreement between the parties and contains all the terms agreed upon, and replaces any previous agreements regarding the subject matter. This Agreement has no effect upon enforcement of codes or ordinances not specifically mentioned. If any part of this Agreement is held invalid such decision shall not render the document invalid.

**IN WITNESS WHEREOF**, the parties hereto have caused this Agreement to be executed in duplicate for themselves for their duly authorized officers of the day and year first above written.

GASTON COUNTY

By: Phillip Ponder 8/24/07  
Phillip Ponder, Asst. County Manager

ATTEST

Martha M. Jordan 9-6-07  
Martha M. Jordan, Clerk to the Board

APPROVED AS TO FORM:

Sam Shames  
Sam Shames, Assistant County Attorney

CITY OF LOWELL

By: Judy Horne  
Judy L. Horne, Mayor

ATTEST

Judy B. Colgate  
Judy B. Colgate, City Clerk

File: Stormwater Interlocal Agreement.mw

**CITY OF LOWELL**  
**State of North Carolina**

**RESOLUTION TITLE:                    RESOLUTION TO ADOPT THE GASTON COUNTY STORMWATER  
ORDINANCE AND APPROVE THE INTERLOCAL AGREEMENT  
WITH GASTON COUNTY TO ENFORCE THE ORDINANCE IN  
MUNICIPAL BOUNDARIES**

- WHEREAS, a major challenge facing our region is the protection of the quality of our water resources in the face of explosive growth; and
- WHEREAS, construction runoff and urban stormwater are the primary non-point sources of pollution in Gaston County; and
- WHEREAS, the costs of poor stormwater control include higher water treatment costs, degraded fish populations, and lower real estate values; and
- WHEREAS, after examining the subject for over a year, the Quality of Natural Resources Commission at their March 2007, voted to recommend that Gaston County adopt a local stormwater control program and for the County's Natural Resources Department to administer the program; and
- WHEREAS, the City of Lowell supports the adoption of the Gaston County Stormwater Ordinance by the Gaston County Board of Commissioners to be enforced by the Gaston County Natural Resources Department; and
- WHEREAS, pursuant to N.C. Gen. Stat. §153A-122, a city may by resolution permit a county ordinance adopted pursuant to NC statutes to be applicable within the city; and
- WHEREAS, pursuant to N.C. Gen. Stat. §160A-461, any unit of local government in this State may enter into contracts or agreements with each other in order to execute any undertaking.

NOW, THEREFORE, BE IT RESOLVED that the City of Lowell adopts the Gaston County Stormwater Ordinance and approves the Interlocal Agreement with Gaston County to enforce the Gaston County Stormwater Control Ordinance within the city jurisdictions.

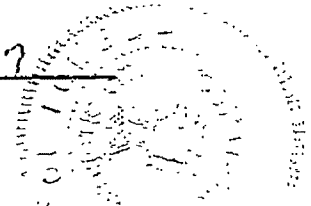
RESOLVED this the 13<sup>th</sup> day of August, 2007.

Judy Horne  
Mayor

8/13/07  
Date

ATTEST:  
Judy B. Colapete  
City Clerk

8/13/07  
Date





Doc ID: 031984110019 Type: ORD  
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 Fee Amt: \$0.00 Page 1 of 18  
 Instr# 200700005539  
 Gaston, NC  
 Susan S. Lockridge Register of Deeds

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 RECORDING FEE NC

**RESOLUTION TITLE: NATURAL RESOURCES – ADOPTION OF THE GASTON COUNTY STORMWATER ORDINANCE**

**WHEREAS,** on April 12, 2007, the Gaston County Board of Commissioners adopted the Gaston County Stormwater Ordinance per Resolution 2007-148 to be submitted to North Carolina Environmental Management Commission; and,

**WHEREAS,** the changes have been submitted to the North Carolina Environmental Management Commission for its approval and said approval was granted on July 12, 2007 as set forth in the attached document; and,

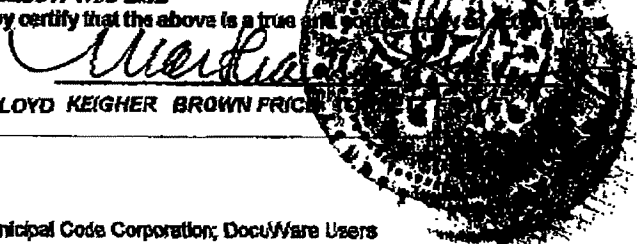
**WHEREAS,** to complete the process, per North Carolina General Statutes, the Gaston County Board of Commissioners is required to adopt the ordinance as approved by the North Carolina Environmental Management Commission.

**NOW, THEREFORE, BE IT RESOLVED** that the Gaston County Board of Commissioners:

- 1) Rescinds the Gaston County Stormwater Ordinance adopted on April 12, 2007;
- 2) Adopts the attached Gaston County Stormwater Ordinance pursuant to North Carolina General Statutes and as approved by the North Carolina Environmental Management Commission;
- 3) This Ordinance is effective upon its adoption;
- 4) The Clerk to the Board is required to forward the Ordinance to the Register of Deeds to be officially registered.

DO NOT TYPE BELOW THIS LINE

I, Martha M. Jordan, Clerk to the County Commission, do hereby certify that the above is a true and correct copy as approved by the Board of Commissioners as follows:



NO. DATE M1 M2 CARPENTER FLOYD KEIGHER BROWN PRICE

2007-271 7/26/2007 TK PF

**DISTRIBUTION:** Susan Lockridge, Register of Deeds; Municipal Code Corporation; DocuWare Users