

**INTERGOVERNMENTAL AGREEMENT
FOR ENFORCEMENT OF NUISANCE ORDINANCE**

BACKGROUND

The County of Kalkaska (the County) has provided enforcement of the county's nuisance ordinance in various townships in Kalkaska County for many years. The County now wishes to formalize that service with Coldsprings Township (the Township). The Township has adopted a uniform nuisance ordinance which designates the Kalkaska County Sheriff's Department and Prosecutor's Office as enforcement agency for Ordinance violations. The uniform nuisance ordinance also allows the Township to enter into an intergovernmental Agreement with the County for enforcement and abatement services.

AGREEMENT

The parties, Kalkaska County and Coldsprings agree as follows:

- A. **Enforcement of the Coldsprings Township Nuisance Ordinance.** Kalkaska County will be responsible for the enforcement and abatement functions outlined in the Coldsprings Township Nuisance Ordinance, being Ordinance # 05-03 of 2003 (nuisance ordinance).
- B. **Term of Agreement.** The term of this agreement shall be perpetual, or until terminated by the affirmative vote of a majority of a quorum of either the Township Board or the County Board of Commissioners. In the case of such a vote, this Agreement will be deemed terminated thirty (30) days after the effective date of the vote to terminate this Agreement.
- C. **Compensation.** The parties agree that there will be no compensation, paid by the Township, to the County for its services under this Agreement. The parties, however, agree that any court ordered ordinance fines, received by the Township under this Agreement, will be returned to the County.
- D. **Exercise of Discretion.** The County shall have full and independent discretion to prosecute or not to prosecute any infractions of this ordinance, or to pursue any abatement action pursuant to the nuisance ordinance. Nothing in this Agreement, however, is intended to limit the authority of the Township, at its own cost, to pursue its own enforcement or abatement action pursuant to the nuisance ordinance.
- E. **Defense of the Ordinance.** In the event of a challenge to the Constitutionality of the nuisance ordinance, the County and Township agree to split the costs,

including the legal costs, of such defense, or in the alternative to enter into a separate agreement regarding the defense of the Constitutional challenge.

F. **Liability.** The County, when acting pursuant to this Agreement, shall fully indemnify and hold harmless the Township for any liabilities resulting from enforcement of the nuisance ordinance. The Township fully indemnifies and holds harmless the County for any actions that the Township shall take in enforcing the nuisance ordinance.

In acknowledgment of this Intergovernmental Agreement the governmental units have authorized their respective officials to execute this document.

KALKASKA COUNTY

Date: 5-13-03

By: *Michael J. Cox*
MICHAEL J. COX
Its: Commission Chairman

Date: 5-13-03

By: *Patricia Rodgers*
PATRICIA RODGERS
Its: Clerk

TOWNSHIP OF Gold Springs

Date: 5-27-03

By: *Michael Neubecker*
Michael Neubecker
Its: Supervisor

Date: 5-27-03

By: *Mary Hedges*
Mary Hedges
Its: Clerk