

Resolution #2023-147

**AGREEMENT BETWEEN
THE BALDWIN COUNTY COMMISSION AND
THE TOWN OF SILVERHILL
CONCERNING THE EXERCISE OF SUBDIVISION REGULATIONS
WITHIN THE MUNICIPAL PLANNING JURISDICTION AND THE
REGULATION OF BUILDING CONSTRUCTION WITHIN THE
MUNICIPAL POLICE JURISDICTION**

WHEREAS, the BALDWIN COUNTY COMMISSION, the governing body of Baldwin County, Alabama (hereinafter referred to as the "COMMISSION") and the TOWN OF SILVERHILL, an Alabama municipal corporation (hereinafter referred to as the "MUNICIPALITY") hereby enter into an agreement, the terms and conditions of which shall govern the regulation of subdivisions outside the MUNICIPALITY's corporate limits but within the MUNICIPALITY's planning jurisdiction and the regulation of building construction outside the MUNICIPALITY's corporate limits but within the MUNICIPALITY'S police jurisdiction;

WHEREAS, the COMMISSION and MUNICIPALITY desire to acknowledge in an agreement the MUNICIPALITY'S role in regulating subdivisions within the planning jurisdiction pursuant to Code of Alabama §11-52-30 et seq.;

WHEREAS, the COMMISSION and MUNICIPALITY desire to enter into an agreement concerning the issuance of building permits, inspection of construction, and enforcement of building laws and codes (collectively referred to herein as "regulation of building construction") pursuant to Code of Alabama §11-40-10 et seq. and §34-14A-12 et seq.

NOW, THEREFORE, the COMMISSION, MUNICIPALITY, and MUNICIPAL PLANNING COMMISSION do hereby agree, pursuant to all authority under Alabama and/or applicable law, as follows:

Section A – Subdivision Regulation Outside the Corporate Limits

1. The COMMISSION and MUNICIPALITY hereby acknowledge that the MUNICIPALITY is not regulating subdivisions outside the corporate limits of the MUNICIPALITY.
2. The COMMISSION and MUNICIPALITY hereby acknowledge that pursuant to Code of Alabama §11-52-30(a)(2) and §11-52-30(g), if any portion of a proposed subdivision is located within the corporate limits of the MUNICIPALITY, the subdivision regulations of the Municipal Planning Commission shall apply to the proposed subdivision.

Section B – Regulation of Building Construction within the Municipal Police Jurisdiction

1. The COMMISSION and MUNICIPALITY hereby agree that the Building Construction Regulation Area of the MUNICIPALITY shall include all land displayed on the Map attached hereto as Exhibit A. The Building Construction Regulation Area includes those areas located in the corporate limits of the MUNICIPALITY and all or a portion of the land lying within the MUNICIPAL POLICE JURISDICTION as displayed on the Map.
2. The COMMISSION and MUNICIPALITY hereby agree that the MUNICIPALITY shall have exclusive responsibility for the regulation of building construction in accordance with Code of Alabama §11-40-10 et seq. and §34-14A-12 et seq.
3. Notwithstanding Paragraph 2 above, the COMMISSION and MUNICIPALITY agree as follows:
 - a. The MUNICIPALITY shall enforce the Baldwin County Flood Damage Prevention Ordinance or the State of Alabama Flood Ordinance within the Building Construction Regulation Area;
 - b. The MUNICIPALITY shall enforce versions of the International Codes, as published by the International Code Council, that are as current or more current than those adopted and enforced by the COMMISSION, except that when the COMMISSION adopts new versions of the International Codes, the MUNICIPALITY shall have 180 days to adopt the newer versions;
 - c. All inspections performed by the MUNICIPALITY under the International Codes referenced above, shall be performed by an inspector certified to perform such inspection by the International Code Council;
 - d. The MUNICIPALITY shall provide enforcement for the abatement of nuisance structures within the Building Construction Regulation Area pursuant to Alabama Code § 11-53A-20 et seq.;
 - e. The MUNICIPALITY shall not issue a building permit in the zoned, unincorporated areas of Baldwin County without requiring the applicant to provide a Site Plan Approval from the COMMISSION for the parcel or a Zoning Verification from the COMMISSION indicating that a Site Plan Approval is not required; and
 - f. The MUNICIPALITY shall not issue a building permit in the unzoned, unincorporated areas of Baldwin County within fifty feet of potential wetlands, as displayed on the potential wetlands layer of the Baldwin County Parcel Viewer map, without first requiring the applicant to provide an approved Unzoned Land Disturbance Permit from the COMMISSION or a Zoning Verification from the COMMISSION confirming that an Unzoned Land Disturbance Permit is not required;
4. The COMMISSION and MUNICIPALITY hereby agree that any building permit on a parcel located outside the corporate limits of the MUNICIPALITY which was issued

prior to the effective date of this Agreement shall continue to be solely under the jurisdiction of the respective COMMISSION or MUNICIPALITY as long as the approval remains effective.

5. The COMMISSION and MUNICIPALITY hereby agree that any application for a building permit on a parcel located outside of the corporate limits and inside the Building Construction Regulation area of the MUNICIPALITY properly submitted and accepted into the COMMISSION'S or MUNICIPALITY'S building permit process prior to the effective date of this Agreement shall remain under the review authority of the entity to whom it was properly submitted.

Section C – General Provisions

1. It is expressly understood that this Agreement can be modified or amended only by mutual action of the COMMISSION and the MUNICIPALITY whenever such modification is needed.
2. If any part, section, or subdivision of this Agreement is held to be illegal, invalid, or unenforceable for any reason, such holding shall not be held or construed to invalidate or impair the remaining provisions of this Agreement which shall continue in full force.
3. The COMMISSION and MUNICIPALITY hereby agree that any previous Agreement entered into between the COMMISSION and MUNICIPALITY the regulation of building construction outside the MUNICIPALITY'S corporate limits but within the MUNICIPAL police jurisdiction, is hereby terminated and replaced by this Agreement.
4. This Agreement shall become effective pursuant to applicable law and when the last of the following have been completed: a resolution adopted by the COMMISSION approving this Agreement and an ordinance adopted by the MUNICIPALITY approving this Agreement.

IN WITNESS WHEREOF, the parties have set their hands and seals, by and through their duly authorized representatives, on the dates indicated below with the full intent and authority to bind the parties hereto.

[SIGNATURES ON THE FOLLOWING PAGE]

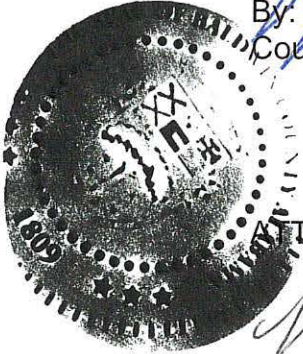
COMMISSION:

ATTEST:

By: Roger H. Rendleman
County Administrator

BALDWIN COUNTY COMMISSION

By: Charles F. Gruber
Its: Chairman



ATTEST:

By: Nicole Haigler
Its: Town Clerk

MUNICIPALITY:

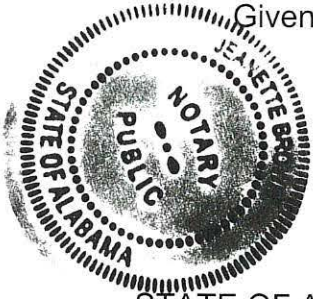
TOWN OF SILVERHILL, ALABAMA

By: Jared Lyles
Its: Mayor

STATE OF ALABAMA
COUNTY OF BALDWIN

I, Jeanette Brown, a Notary Public in and for said County in said State, hereby certify that CHARLES F. GRUBER, whose name as Chairman of the BALDWIN COUNTY COMMISSION, and Roger H. Rendleman whose name as County Administrator of the BALDWIN COUNTY COMMISSION, the governing body of Baldwin County, Alabama, a political subdivision of the State of Alabama, are signed to the foregoing instrument and who are known to me, acknowledged before me on this day that, being informed of the contents of such instrument, they, as such officers and with full authority, executed the same voluntarily for and as the act of said commission on the day the same bears date.

Given under my hand and seal this the 17th day of July, 2023.



Jeanette Brown
Notary Public, Baldwin County, Alabama
My Commission Expires: My Commission Expires: August 31, 2026

STATE OF ALABAMA
COUNTY OF BALDWIN

I, Amy Macon, a Notary Public in and for said County in said State, hereby certify that Jared Lyles, whose name as Mayor of the Town of Silverhill, ALABAMA, and Nicde Haigler, whose name as Town Clerk of the Town of Silverhill, ALABAMA, are signed to the foregoing instrument and who are known to me, acknowledged before me on this day that, being informed of the contents of such instrument, they, as such officers and with full authority, executed the same voluntarily for and as the act of said municipality on the day the same bears date.

Given under my hand and seal this 13th day of July, 2023.



Amy Macon
Notary Public, Baldwin County, Alabama
My Commission Expires: 9/3/23

Exhibit A – Building Construction Regulation Area Map

