

INTERGOVERNMENTAL AGREEMENT BETWEEN THE VILLAGE OF ORLAND PARK, ILLINOIS, AND THE ORLAND FIRE PROTECTION DISTRICT, ORLAND PARK, ILLINOIS, PROVIDING FOR RESPONSIBILITY FOR BUILDING AND FIRE PREVENTION CODES INSPECTION AND ENFORCEMENT

This Agreement is made and entered into this _____ day of _____, 2009, between the Village of Orland Park, Illinois, a home rule municipal corporation, hereinafter referred to as "Village" and the Orland Fire Protection District, Orland Park, Illinois, a District organized under "An Act in relation to fire protection districts" hereinafter referred to as the "District."

WHEREAS, the parties hereto are units of local government and the Constitution of the State of Illinois, 1970, Article VII, Section 10, authorizes units of local governments to contract or otherwise associate among themselves in any matter not prohibited by law or ordinance; and

WHEREAS, Illinois Compiled Statutes, Chapter 5, Act 220, Section 1, et seq., entitled the "Intergovernmental Cooperation Act," provides that any power or powers, privileges or authority exercised or which may be exercised by a unit of local government may be exercised jointly with another unit of local government; and

WHEREAS, the Village has adopted a Village Code which includes Building and Fire Codes; and

NOW, THEREFORE, for and in consideration of the mutual promises and covenants of the parties hereto, it is agreed by and between the parties as follows:

SECTION 1

The preamble hereto shall be and hereby constitutes a part of this Agreement.

SECTION 2

This Agreement is made pursuant to the above-cited provisions of the Illinois Constitution and the laws of the State of Illinois.

SECTION 3

With respect to the inspection of proposed new construction of any commercial, industrial or multi-family structure which may require fire detection and or fire suppression equipment as all or part of the fire suppression system for such structure within the Village, the District shall complete the required fire prevention inspections as describe in Section 4 of this agreement for compliance with the Orland Park Village Code ("Village Code"). The District may also review and coordinate comments for new subdivision plans of future development projects within the Village limits. The subdivision review features includes: street width, water

access and supply, to assure compliance with the applicable provisions of the Village Code through the Development Services Department.

The Village or designated personnel shall review all Architectural, Fire Detection and Suppression plans for conformance with Fire and Village Codes. Fire inspections shall be performed by the Fire District and shall conform to the approved permit plans. The Village will submit copies of all architectural, building and subdivision plans received for construction to the Fire District for review of design features for comments including: Street width, water access and supply, to assure compliance with the applicable provision of the Village Code. Preliminary subdivision design comments must be submitted to the Village for evaluation within a reasonable time period.

The Committee shall review this Section for revision on an annual basis as established in Section 6.

SECTION 4

The District, by its qualified fire prevention inspectors, shall be responsible for the fire related inspection of all new and existing commercial and industrial structures, as well as annual inspections of the common areas of all multi-family structures for violations of the Village's Code. In the event any such inspection shall disclose violations of the Village Code, the Orland Fire Protection District shall notify the building owner or occupant of the same in writing. Within 15 days of the first inspection, the fire prevention inspectors shall conduct a reinspection of the premises to ensure that any noted violations have been corrected. Should the violations not be corrected at the first reinspection, the fire prevention inspectors shall conduct a final reinspection within 15 days of the first reinspection. A fee shall be charged for the final reinspection. Said fee may be paid by money order or check payable to the Orland Fire Protection District. If the noted violations are not corrected by the date of the final inspection, the Village shall, with the cooperation of the District, institute enforcement action, including prosecution for Code violations, as deemed necessary and appropriate. Prior to the initiation of enforcement action by issuance of a Code violation complaint and summons returnable in the Circuit Court of Cook County, the building owner or occupant may elect to seek a variation from the applicable requirements of the Code or Ordinance in the form and manner provided in Section 6 hereof. Should the applied-for variance be denied, the building owner or occupant must immediately correct the violation(s) and, failure to do so will result in the institution of enforcement action by the Village. The District shall cooperate in such enforcement actions, including providing the testimony of its inspectors, but the expense of such enforcement and prosecution shall be borne by the Village.

SECTION 5

To ensure compliance with the aforementioned Village Code, the Village and the District shall, by their qualified building and fire prevention inspectors, jointly perform final inspections of all newly constructed commercial and industrial structures as well as the annual Village Building License inspections. Any apparent non-compliance with such Village Code shall be promptly reported and enforcement action taken as provided in Section 4, above. Nothing in this

Agreement shall limit the right of the Village to prohibit occupancy of any structure due to a Code violation(s).

SECTION 6

A joint review committee (the "Committee") shall be established to make recommendations to the Village regarding amendments to the Village Code. The Committee chairperson shall be a Village Trustee appointed by the Village President. The Village Development Services Department and the District Fire Prevention Bureau shall each have two (2) members on the Committee. The Committee shall meet and review the Village Code and submit to the Village a written report, not less frequently than annually, making recommendations for amendments to the Village Code. In addition, the Committee shall consider applications for variations from the provisions of the Village Code and shall hear and consider such evidence and testimony as it deems appropriate in support of or in opposition to such variation applications. Such hearing shall be conducted in the manner and after such notice as is prescribed by the Village Code. Hearing on any application for variation shall be commenced by the Committee within 45 days after the application has been submitted and the Committee's recommendations thereon shall be submitted to the corporate authorities of the Village within 10 days of completion of such hearing. The corporate authorities of the Village shall then act upon the Committee's recommendations within 45 days of their submittal by the Committee.

SECTION 7

In December of each year this Intergovernmental Agreement is in effect, the Village's President, Manager and legal counsel shall meet with the District's President, Chief and legal counsel to review the operation of this Intergovernmental Agreement and to make recommendations to the respective corporate authorities of the Village and District as to any amendments to or practice under this Agreement.

SECTION 8

This Agreement shall remain in full force and effect from the date hereof until it is terminated as provided for in this Section. Either party may terminate this Agreement upon delivery of a written notice to the other party at least 30 days before the intended termination date, which must coincide with the end of a calendar month. Such notice shall be either personally delivered or sent by certified mail, return receipt requested.

SECTION 9

This Agreement shall only be amended by a written instrument approved and signed by all parties hereto. Such amendment shall take effect immediately upon its execution.

SECTION 10

This Agreement shall be governed, interpreted and construed in accordance with the laws of the State of Illinois. In the event it is determined that this Agreement is inconsistent or in

conflict with any resolution or ordinance of either the parties, such resolution(s) or ordinance(s) shall be repealed or amended, as the case may be, to conform with the provisions of this Agreement.

VILLAGE OF ORLAND PARK,
an Illinois municipal corporation

By: _____
Village President

Attest:

Village Clerk

ORLAND FIRE PROTECTION DISTRICT

By: _____
President

Attest:

Secretary