

INTER LOCAL AGREEMENT

THIS INTER LOCAL AGREEMENT dated as of April ____, 2015 (the “Inter Local Agreement”) between the Town of Nags Head, Dare County, North Carolina, a municipal corporation organized under the laws of the state of North Carolina (“Nags Head”) and the Town of Kill Devil Hills, Dare County, North Carolina, a municipal corporation organized under the laws of the state of North Carolina (“KDH”);

W I T N E S S E T H :

WHEREAS, under Article 20 of Chapter 160A of the North Carolina General Statutes, as amended (the “Inter Local Act”), municipalities are authorized to enter into inter local cooperation undertakings with other local governments for the joint exercise of any power, function, public enterprise, right, privilege or immunity of local governments in North Carolina;

WHEREAS, the parties to this Inter Local Agreement desire to set forth their agreement herein;

NOW, THEREFORE, the parties hereto agree as follows:

1. Nags Head and KDH have each adopted Ordinances relating to driving on the ocean beach area within each Town’s jurisdiction. The Nags Head Ordinance is found in Chapter 8, Article II, Division 3 of the Nags Head Town Code. The KDH Ordinance is found in Chapter 96, Article II of the Kill Devil Hills Town Code. That the Ordinances for each Town are substantially similar and provide for a permitting process by which individuals may obtain a permit to drive on the ocean beach area within each Town’s jurisdiction.

2. The parties by this Agreement and as provided in their Ordinances, agree that a beach driving permit issued by the Town of Nags Head or any approved agent of the Town of Nags Head or by the Town of Kill Devil Hills or any approved agent of the Town of Kill Devil Hills, shall be valid to drive on the beaches of each jurisdiction subject to the rules, regulations, Ordinances and General Statutes applicable in each jurisdiction.

3. Performance of Government Functions – Nothing contained in this Inter Local Agreement shall be deemed or construed so as to in any way estop, limit, or impair the Towns from exercising or performing any regulatory, policing, legislative, governmental, or other powers or functions pursuant to applicable law.

4. Amendment – This Inter Local Agreement may be amended through a supplement approved in writing by Nags Head and KDH.

5. Severability – If any section of this Inter Local Agreement is deemed to be illegal or otherwise unenforceable, it is the intent of the parties hereto that all other provisions in this Inter Local Agreement shall remain in full force and effect.

6. Governing Law – This Inter Local Agreement is to be governed by and interpreted in accordance with the Laws of the State of North Carolina.

7. Execution in Multiple Counterparts – This Inter Local Agreement may be executed in multiple counterparts, each of which constitutes a completed document.

8. Effective Date – This Inter Local Agreement takes effect on its execution by the Towns.

9. Termination – This Inter Local Agreement shall terminate when either Town terminates this Inter Local Agreement by action of their respective governing councils.

IN WITNESS WHEREOF, the Mayor of Nags Head and the Mayor of KDH have each

executed this Inter Local Agreement to evidence the agreement of the parties hereto and the respective Town Clerks have affixed the seal of the Towns to this Inter Local Agreement.

TOWN OF NAGS HEAD

TOWN OF KILL DEVIL HILLS

BY: _____, Mayor

BY: Shelia Davies, Mayor

Attest:

Attest:

Clerk to the Nags Head Town Council

Clerk to the Kill Devil Hills Town Council

This Instrument has been pre-audited in the manor required by the Local Government Budget and Fiscal Control Act.

Finance Officer, Town of Nags Head

This Instrument has been pre-audited in the manor required by the Local Government Budget and Fiscal Control Act.

Finance Officer, Town of Kill Devil Hills