ORDINANCE #2012-01

AN ORDINANCE FOR THE CONTINUED AUTHORIZATION OF A 911 EMERGENCY REPORTING SYSTEM

Whereas, the Clay County Commission, established a 911 emergency reporting system on December 15, 1992, for the residents of Clay County; and

Whereas, the enactment of SB 174 by the South Dakota Legislature in 2012 has resulted in significant changes to SDCL chapter 34-45; and

Whereas, due to these changes the Clay County Commission, desires the continued authorization of its 911Emergency Reporting System; now, therefore

BE IT ORDAINED BY COUNTY COMMISSION OF CLAY COUNTY, SOUTH DAKOTA:

AUTHORIZATION FOR THE 911 Emergency Reporting System previously established by Clay County shall hereby continue under the management and control of the Clay County Commission as provided herein:

Section 1.   Continued Authorization of a 911 Emergency Reporting System

It is hereby authorized that the Clay County Commission establishment and operation of the emergency 911 system shall continue pursuant to the provisions of SDCL 34-45.

Section 2.   Definitions

Terms used in this Ordinance shall be defined in accordance with SDCL 34-45-1 unless otherwise expressly defined herein.

Section 3.   Jurisdictional Service Area

The 911 Emergency Reporting System is to be provided for a service area that includes all the area within the legal boundaries of Clay County.

Section 4.   Costs for Installation, Maintenance, or Operation

The Clay County Commission may incur any nonrecurring or recurring costs for the installation, maintenance, or operation of a 911 system and may pay such costs in whole or in part from a 911 emergency surcharge as established collected and distributed pursuant to SDCL chapter 34-45.

Section 5.   Joint Service Agreements Among Governing Bodies

Notwithstanding the jurisdictional service area of Section 3, the Clay County Commission may, pursuant to SDCL 34-45-3, provide such services within the jurisdiction or territory of another governing body or public agency upon the execution of a joint agreement for the provision of such services.

Section 6.   Contracts for Administration of 911 Services

The Clay County Commission, if found to be in the best interests of the residents of Clay County, may enter into an agreement directly with a service supplier of a 911 system or may contract and cooperate with any public agency or with other states or political subdivision for the administration of a 911 system as provided by SDCL 34-45-11.

Section 7.   Immunity From Liability

The 911 emergency reporting system provided by this ordinance and SDCL chapter 34-45, is within the governmental powers and authority of the Clay County Commission. In contracting for a 911 emergency reporting system or the provisioning of a 911 reporting service, except for willful or wanton negligence or intentional acts, Clay County, together with its governing body, employees and agents, are immune from liability for a failure in the use or operation of a 911 system as provided in SDCL 34-45-17.
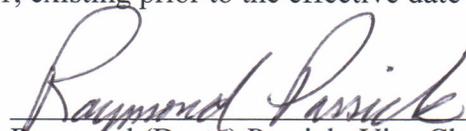
Section 8.   Savings Clause

This Ordinance shall in no manner affect pending actions either civil or criminal, founded on or growing out of any ordinance hereby repealed. This Ordinance shall in no manner affect rights or causes of action, either civil or criminal, not in suit that may have already accrued or grown out of any ordinance hereby repealed.

Section 9.   Severability

If any provision of this Ordinance shall be declared invalid for any reason such decision shall not affect the validity of the Ordinance as a whole, or any portion thereof.

Section 10.   Repealer

This Ordinance repeals Clay County Ordinance 92-1, existing prior to the effective date hereof, and any other ordinance in conflict therewith.

Raymond (Dusty) Passick, Vice Chairman
Clay County Commissioners

ATTEST:

Ruth A. Bremer, Auditor
Clay County, SD

First Read: September 4, 2012
Second Read: September 11, 2012
Adoption: September 11, 2012
Publication: September 14, 2012
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