

**ORDINANCE #2017-02**  
**HISTORIC PRESERVATION ORDINANCE**

Authorizing the creation of the Clay County Historic Preservation Commission as provided in  
SDCL 1-19B and ARSD 24:52

AN ORDINANCE PERTAINING TO HISTORIC PRESERVATION IN CLAY  
COUNTY, SOUTH DAKOTA.

BE IT ORDAINED BY THE COUNTY COMMISSION OF CLAY COUNTY  
SOUTH DAKOTA AS FOLLOWS:

**Section 1. Purpose.**

Whereas the Legislature of the state of South Dakota has determined that the historical, architectural, archaeological, and cultural heritage of this state is among its most important assets, it is declared to be the purpose of this ordinance to enable Clay County to engage in a comprehensive program of historic preservation, to promote the use and conservation of historic properties and to help in the development of these properties for the education, inspiration, pleasure and enrichment of the citizens of this city and this state.

**Section 2. Historic Preservation Commission Created.**

(a) Pursuant to the authority granted by SDCL 1-19B-2, there is created for the county a historic preservation commission to be known as the Clay County Historic Preservation Commission (CCHPC). The CCHPC shall consist of not less than five nor more than ten members, who shall be appointed by the Clay County Commission with due regard to proper representation of such fields as history, architecture, urban planning, archaeology, and law as available.

(b) All members of the CCHPC shall reside within Clay County and shall serve for terms of three years and shall be eligible for reappointment. The terms of the original members shall be varied to assure that no more than one-third of the appointments shall be for a full three year term with the remaining appointments divided between one and two year terms. Persons appointed to fill an unexpired term shall serve for the remainder of the term. Any member who fails to attend three consecutive meetings without presenting an explanation accepted by the Commission may be deemed to have abandoned the office and may be replaced as provided herein.

**Section 3. Procedures of the CCHPC.**

(a) The CCHPC shall elect annually a chair, vice-chair, secretary, and a treasurer from its own membership. In addition to other duties, the chairman shall be the spokesperson for the CCHPC and shall represent the CCHPC in its work with other County departments. The CCHPC

shall meet monthly at a time and place it determines. A quorum shall consist of a majority of the CCHPC members in office and shall be required for the Commission to take action. In addition, a simple majority of the current membership shall be required for decisions involving buildings, structures and property in historic districts.

(b) The CCHPC shall prepare an annual report for the Clay County Commission, and it shall include information about any historic property in the county that is threatened. The CCHPC may, subject to appropriation by the County, employ clerical assistants or consultants to help in carrying out its responsibilities under this ordinance. The CCHPC may adopt bylaws, rules and regulations not inconsistent with the provisions of this ordinance and state laws.

(c) No member of the CCHPC shall participate in the discussion about any subject or vote on any matter that may affect the property, income, or business interests of that member or their immediate family.

#### **Section 4. Powers and Duties of the Clay County Historic Preservation Commission.**

In addition to the powers and duties stated elsewhere in this ordinance, the CCHPC shall take actions necessary and appropriate to accomplish the purposes of this ordinance. These actions may include, but are not limited to, the following as described in SDCL 1-19B:

- (1) Employment of personnel. The CCHPC may employ such qualified staff personnel or consultants as it deems necessary.
- (2) Annual special purpose tax levy. Approval by voters required. To achieve the purposes of this ordinance, the governing body of the county may levy annual taxes therefor as a special purpose.
- (3) Revenue bonds authorized. To achieve the purposes of this chapter, the governing body of the county may issue revenue bonds.
- (4) Appropriations for operating expenses and acquisition and management of historic properties. The governing body of the county is authorized to make such appropriations and may make available any additional amounts necessary for the acquisition, restoration, preservation, operation and management of historic properties in Clay County.
- (5) The CCHPC may participate in the conduct of land use, urban renewal, and other planning processes undertaken by the County.
- (6) The CCHPC may cooperate with the federal, state and local governments in the pursuance of the objectives of historic preservation.
- (7) The CCHPC may contract, with the approval of the Clay County Commission, with the state or federal government, or any agency of either, or with any other organization.
- (8) The CCHPC may acquire fee or lesser interests in historic properties, including adjacent or associated lands, by purchase, bequest or donation.