

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.

- (9) All historic lands, buildings, structures, sites, areas, or objects acquired by funds appropriated by the county shall be acquired in the name of the county unless otherwise provided by the Clay County Commission. So long as owned by the county, historic property may be maintained by or under the supervision of the county. However, all lands, buildings, or structures acquired by the CCHPC from funds other than those appropriated by the Clay County Commission may be acquired and held in the name of the CCHPC, Clay County or both.
- (10) The CCHPC may preserve, restore, maintain and operate historic properties under the ownership or control of the CCHPC.
- (11) The County Commission, may acquire, by purchase, donation, or condemnation, historic easements in any area within Clay County wherever and to the extent that the County Commission determines the acquisition to be in the public interest. For the purpose of this ordinance, the term, historic easement means any easement, restriction, covenant, or condition running with the land, designated to preserve, maintain, or enhance all or part of the existing state of places of historical, architectural, archeological, or cultural significance.
- (12) The CCHPC may promote and conduct an educational and interpretive program on historic properties and issues within the county;
- (13) The CCHPC may recommend ordinances and provide information for the purposes of historic preservation to the Clay County Commission and municipalities in the county.
- (14) The CCHPC shall notify the Director of Equalization of the designation of any historic property by the U.S. Department of the Interior.
- (15) The CCHPC may adopt written guidelines for making exterior changes to historic property, provided such guidelines are consistent with state or federal law.
- (16) The CCHPC may negotiate with owners of historic property and other interested persons when the historic property may be demolished, materially altered, remodeled, relocated or put to a different use.
- (17) The CCHPC may assist owners of historic property and buildings and structures in historic districts in preserving their property.
- (18) The CCHPC may assist in the review of projects on which review by the State Historic Preservation Office is required under SDCL 1-19A-11.1.
- (19) The CCHPC may attend informational and educational programs covering the duties of the CCHPC and current developments in historic preservation.

Section 5. Coordination with Other County Departments.

(a) County departments shall give timely notice to the CCHPC of matters that will affect property on the National Register of Historic Places and the State Register of Historic Places. The CCHPC shall be given this notice about proposed work as soon as the proposal is received

by the other county department or a study is begun on work that would be done by the other county department.

(b) The CCHPC shall promptly prepare its comments on the proposed work so that its comments will be received prior to a decision by the other county department.

Section 6. Survey of Local Historic Properties.

In conducting a survey of local historic properties, the CCHPC shall comply with all applicable statewide survey standards and criteria of South Dakota State Historical Society. The members of the CCHPC, its employees and its agents may be authorized to enter upon private property for examination and survey solely in the performance of its official duties and only at reasonable times. No member, employee or agent of the CCHPC may enter any private building or structure without the express consent of the owner or occupant.

Section 7. Separability.

The provisions of this ordinance are declared to be separable. If any section of this ordinance shall, for any reason, be declared invalid or unconstitutional, the remaining provisions shall continue to have full force and effect.

Section 8. Effective Date.

This ordinance shall take effect 20 days from its passage and adoption by the Clay County Commission.

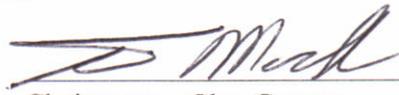
FIRST READING: May 30, 2017

Projected SECOND READING: June 13, 2017

Projected ADOPTION: June 13, 2017

Projected PUBLICATION: June 22/23 & June 29/30, 2017

Projected EFFECTIVE DATE: July 20, 2017



Chairperson, Clay County
Board of County Commissioners



ATTEST:



Clay County Auditor

