

ORDINANCE NO. 2012-02

AN ORDINANCE AMENDING ORDINANCE #1264 ENTITLED 911 EMERGENCY TELEPHONE REPORTING SYSTEM

To comply with revisions in the State Law, SDCL Chapter 34-45, governing 911 emergency reporting systems which law is effective July 1, 2012, Moody County Ordinance #1264 be and is hereby amended as follows:

SECTIONS TWO, THREE AND FOUR be and are hereby repealed.

A new **SECTION TWO** is hereby enacted to read in its entirety as follows:

**SECTION TWO
INSTALLATION OPERATION AND SURCHARGE**

2.1 The commission shall be responsible for the costs incurred for the installation, maintenance or operation of the system,

2.2 The portion of service user fees collected by the South Dakota Department of Revenue which is remitted to Moody County shall be credited to a special fund, apart from the general fund of the County, for payment of nonrecurring and recurring costs and for the general operational expense of the 911 related service allowed by State Law, including but not limited to the personnel costs of the dispatchers or the monthly contract costs billed by the public safety answering point. Said fund shall be administered by the Moody County commission pursuant to Ordinance #1264, this amendment and any future amendments. Any amount collected in excess of expenses within a given year shall be carried forward to the next year.

2.3 If the 911 system is discontinued, any money remaining in the fund after all payments to the service supplier pursuant to this section have been made shall be transferred to the general funds of Moody County.

A new **SECTION THREE** is hereby enacted to read in its entirety as follows:

**SECTION THREE
SERVICE AGREEMENTS**

The commission may enter into an agreement with any public agency or other states or their political subdivision for the administration of a 911 system as provided by law.

That a new **SECTION FOUR** be enacted to read in its entirety as follows:

**SECTION FOUR
COMPLIANCE WITH APPLICABLE STATE LAW**

Said 911 system for Moody County shall comply with all other provisions of SDCL Chapter 34-45 as from time to time amended, and all regulations adopted to implement said State Law.

SECTION FIVE — SEVERABILITY AND SAVING CLAUSE be and is hereby amended to read in its entirety as follows:

**SECTION FIVE
SEVERABILITY AND SAVING CLAUSE**

5.1 To comply with the amendments to South Dakota State Statute SL)CL Chapter 34-45 which went into effect July 1, 2012, these amendments of Moody County Ordinance #1264 are effective retroactively to July 1, 2012.

5.2 If any provision of this ordinance shall be invalid, it shall not affect any other provisions of this ordinance that can be given effect without the invalid provision, and for this saving purpose, the provisions of this ordinance are hereby declared to be severable.

First Reading: August 21, 2012

Second Reading: September 4, 2012

Adoption: September 4, 2012

Publication: September 12, 2012

Effective Date: October 2, 2012



Thomas Piper
Chairman, Moody County Commission

ATTEST: W W Sraefes
Auditor, Moody County