

## ORDINANCE 2019-19

AN ORDINANCE IMPOSING A STORMWATER BASIN DEVELOPMENT FEE FOR THE MUNICIPALITY OF HARRISBURG, LINCOLN COUNTY, SOUTH DAKOTA.

BE IT ORDAINED BY THE MUNICIPALITY OF HARRISBURG, LINCOLN COUNTY, SOUTH DAKOTA:

*That a new Chapter 8.06 of the Revised Ordinances of Harrisburg, SD, is hereby established to read as follows:*

### CHAPTER 8.06 - STORMWATER BASIN DEVELOPMENT FEE

#### 8.0601. Stormwater Basin Development Fee.

- A. The purpose of this section is to establish a fee to provide needed revenue for the Municipality of Harrisburg, Lincoln County, South Dakota (the "City"), by imposing a Stormwater Basin Development Fee pursuant to the powers granted to the municipality by the State of South Dakota. SDCL 46A-10B-18 authorizes a governing body to establish basin development fees to be paid by developers in Drainage Basin Utility Districts that have been adopted by resolution of the City (the "Stormwater Basin Development Fee").
- B. As authorized under SDCL 46A-10B-20 and 46A-10B-21, the fee will be required as a condition for development of all undeveloped property within the jurisdiction of the City and will be required to be paid by the developer.
- C. SDCL 46A-10B-20 and 46A-10B-21 authorizes the governing body to set the Stormwater Basin Development Fee at a rate sufficient to design, acquire right-of-way, construct, reconstruct, operate, and maintain stormwater facilities needed in a drainage basin to protect the health, safety, and welfare of the inhabitants of the various basins.
- D. Pursuant to SDCL 46A-10B-21, the Stormwater Basin Development Fee shall be based on the costs of necessary facilities, the area of the platted parcel, runoff characteristics of the developed parcel, the amount of on-site detention and treatment provided.
- E. The Stormwater Basin Development Fee for each parcel platted within a Drainage Basin Utility District shall be set at the minimum allowable fee pursuant to SDCL 46A-10B-21 of one hundred dollars (\$100) until improved or additional cost data of items described in subsection D is provided, at which time this fee may be increased as needed by resolution.
- F. Agricultural land as defined in SDCL 10-6-31.3 is exempt from the fees established in this section.

#### 8.0602. Enactment of Stormwater Basin Development Fee.

There is hereby imposed a Stormwater Basin Development Fee from each newly platted parcel for the purpose of development or redevelopment within an identified Drainage Basin Utility District after the first day of January, 2020 within the jurisdiction of the City.

#### 8.0603. Stormwater Basin Development Fund Established.

The Stormwater Basin Development Fee paid to the City shall be kept in a separate fund to be known as the Stormwater Development Fund. This fund shall be used to pay the cost of financing the items described in Section 8.0601.C, or any other authorized purpose designated by the City.

8.0604. Stormwater Basin Development Fee Collection.

The Stormwater Basin Development Fee for a parcel shall be paid at the time of platting the individual lots or parcels for the purpose of development or redevelopment. The Stormwater Basin Development Fee shall be due upon further subdivision of a parcel or parcels that have already been subject to the Stormwater Basin Development Fee.

Dated this 18th day of November 2019.

Julie Burke – Van Luvancee  
Mayor

ATTEST:

Mary McClung  
Finance Officer

(Seal)

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Second Reading & Adoption: November 18, 2019  
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