

CITY OF HARRISBURG ORDINANCE #2020-04,  
TO AMEND THE TITLE 6 – STREETS, SIDEWALKS AND PUBLIC PLACES  
OF THE REVISED MUNICIPAL ORDINANCES

BE IT ORDAINED by the City Council of the City of Harrisburg as follows:

**ARTICLE I – PURPOSE AND JURISDICTION**

SECTION 1 – PURPOSE.

Ordinance #2020-04 is an ordinance to amend Title 6 of the Revised Municipal Ordinances of the City of Harrisburg. The City Council of the City of Harrisburg (the “City Council”) has deemed these regulations and controls to be reasonable and reasonably related to the purpose of promoting the health, safety, and general welfare of the City of Harrisburg.

SECTION 2 – JURISDICTION.

This Ordinance shall govern all territory within the statutory jurisdiction of the City of Harrisburg, South Dakota (the “City”).

SECTION 3 – SEVERABILITY AND SEPARABILITY.

Should any Article, Section, Subsection, or Provision of this Ordinance be found to be or declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the Ordinance as a whole or any part thereof, other than the portion so declared to be invalid or unconstitutional.

**ARTICLE II – AMENDMENT TO TITLE 6 – STREETS,  
SIDEWALKS AND PUBLIC PLACES**

A. Add Chapter 6.08 to read:

Chapter 6.08 - Arterial Street Platting and Building Permit Fees.

6.0801        Purpose and Intent. The purpose of this subchapter is to impose an arterial street platting fee and an arterial street building permit fee on property as it is platted or built upon with the intent to charge platted or developed property no more than its proportionate share of the costs of expanding the arterial street system.

6.0802        Definitions. The arterial street system is defined as the system of roadways for the City, located generally on Public Land Survey System (PLSS) section lines or as classified as arterial streets on the Harrisburg Major Street Plan, as amended from time to time.

6.0803 Determination of Fee. The City Council finds the amount of the arterial street fees based on the rational nexus and rough proportionality standards has been appropriately determined according to the analysis described in the Technical Memorandum – Preliminary Arterial Fee, prepared by Advanced Engineering and Environmental Services, Inc. which was adopted by City Council on March 16, 2020.

6.0804 Determination of Fee Updates. Periodically, the Nexus Study for Arterial Street Fees may be updated. Any updates may review fees and recommend adjustments based on the then-current costs of construction or trip generation. If an amendment is necessary, the information shall be provided to the City Council together with a proposed ordinance amendment. Pending such adjustments, the arterial street platting and arterial street building permit fees established in section 6.0805 and 6.0806 may increase by 2.5 percent per year.

6.0805 Enactment of Arterial Street Platting Fee & Effective Date. The arterial street platting fee is hereby established and made effective on October 1, 2020 at \$1,000 per acre.

The amount to be paid shall be determined by multiplying the arterial street platting fee per acre by the relevant number of acres contained within the plat or replat.

6.0806 Enactment of Arterial Street Building Permit Fee & Effective Date. The arterial street building permit fee is hereby established and made effective on January 1, 2021 as shown:

Single-family dwelling unit, attached or detached:	\$450/dwelling unit
Duplex through eight-plex apartment buildings:	\$575/dwelling unit
Apartment buildings with more than 8 dwelling units:	\$525/dwelling unit
High-density Residential complexes (manufactured home courts, tiny home developments):	\$550/dwelling unit
Commercial/retail stores, restaurants, etc.:	\$3,100/1,000 sq. ft.
Light industrial buildings:	\$900/1,000 sq. ft.
Heavy industrial buildings:	\$300/1,000 sq. ft.

The amount to be paid shall be determined by multiplying the arterial street building permit fee per unit or per 1,000 square feet of building space, as specified above, by the relevant number of units or 1,000 square feet of building space included in the building permit.

6.0807 Collection & Payment Due. The arterial street platting fee shall be paid prior to approval of any plat or replat. The owner's certificate of compliance

for the plat shall indicate the plat is subject to the arterial street platting and building permit fees. The owner's certificate shall also provide that arterial street platting fees shall be paid by an applicant requesting the plat or replat and that arterial street building permit fees shall be paid by an applicant requesting a building permit in accordance with this section.

The arterial street building permit fee shall be paid at the time of issuance of the building permit.

6.0808        Exemptions. The arterial street platting fee does not apply to land dedicated or to be dedicated to the City for right-of-way, parks, or stormwater management facilities. The City may defer or waive payment if the plat or replat is a minor plat or replat or if the platted land is zoned Natural Resource or Agricultural District without structures.

6.0809        Adjustment of Fee Due to Rezoning. For rezonings of property where the zoning classification of the building on which the arterial street building permit fee was originally collected converts to a different land use with a higher arterial street building permit fee basis, an additional arterial street building permit fee shall be paid at the time of the rezoning application, with the money to be refunded if the rezoning application is denied. The additional arterial street building permit fee shall be the difference between the fee for the previous zoning classification as noted on the building permit and the fee for the new zoning classification. For rezonings of property where the zoning classification noted on the building permit on which the arterial street building permit fee was based converts to a lower amount, no refund of prior paid arterial street building permit fees shall be paid.

6.0810        Credit for Contributions. The value of contributions made by the fee payer toward the costs of expanding the arterial street system shall be subtracted from the amount of arterial street platting fees and arterial street building permit fees otherwise due for the property. The value of the contribution shall be determined by the City engineer, based on information submitted by the fee payer and shall be in compliance with applicable bid law. No credit will be given for property that is exempted per Chapter 6.0808, above. No credit will be given for facilities to the extent they exceed City requirements. Credit for the contributions not claimed prior to payment of the arterial street platting fee shall be waived. It shall be in the City's sole discretion as to acceptance and valuation of other in-kind contributions by the fee payor and/or establishment of alternate payment schedules for payment of any fees due pursuant to this Chapter.

6.0811        Separate Fund for Arterial Streets. Arterial street platting and building permit fee revenues shall be segregated from other funds of the City. The revenues collected shall be used solely for expanding the arterial street system.

Dated this 4th day of June, 2020.

Julie Burke - Van Luvanee  
Mayor

ATTEST:

Mary McClung  
Finance Officer

(SEAL)

First Reading: April 21, 2020  
Second Reading & Adoption: June 4, 2020  
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