

ORDINANCE 2019-07

AN ORDINANCE IMPOSING A STREET LIGHT SERVICE 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 8.05 of the Revised Ordinances of Harrisburg, SD, is hereby established to read as follows:*

8.0501. PURPOSE. The purpose of this ordinance is to provide additional needed revenue for the Municipality of Harrisburg, Lincoln County, South Dakota (the "City"), by imposing a street light service fee pursuant to the powers granted to the municipality by the State of South Dakota. SDCL 9-39-1 authorizes municipalities to construct, operate, and maintain a system to provide street light facilities to residents. Further, SDCL 9-39-23 authorizes municipalities to fix reasonable rates, fees, and charges for the imposition of just and reasonable charges for the use and availability of street light facilities. The City Council has determined that in order to promote the health, safety, and general welfare of the community, it is in the best interest of the citizens that the City furnish and maintain a City street lighting system utility. The street light utility service consists of all street lighting facilities purchased, owned, and maintained by the City. The City Council has determined that such utility benefits each and every property within the City. The City Council has therefore determined that it is fair, appropriate and reasonable that the costs of such be paid on a fair and reasonable basis by all Lots in within the City and the costs should be charged and collected from all such Lots, except those exempted pursuant to Section 6 of this ordinance, through the imposition of charges as provided by this ordinance

8.0502. EFFECTIVE DATE AND ENACTMENT OF FEE. From and after the first day of July, 2019, there is hereby imposed a street light service fee on an equitable basis from each "Lot", as defined in Harrisburg Municipal Zoning Regulations Section 8.2, within the jurisdiction of the Municipality of Harrisburg, Lincoln County, South Dakota.

8.0503. DETERMINATION OF STREET LIGHT SERVICE RATES, FEES AND CHARGES. The rates, fees, and charges for the benefits and safety provided by the street light services furnished and maintained by the City shall be as determined by the City Council and on file in the office of the municipal Finance Officer.

8.0504. DETERMINATION OF THE TOTAL ANNUAL COST OF MAINTENANCE. The City, South Dakota shall determine the total annual costs of maintenance of the street light service necessary to maintain the performance as designed and constructed. The total annual cost of maintenance shall include, but is not limited to, labor, repairs, replacement, necessary modifications, power, and a reasonable contingency fund.

8.0505. SEPARATE FUND FOR STREET LIGHT FACILITIES. A separate fund shall be established for the City's street lighting facilities. All receipts from the rates, fees, and charges relating to the street light facilities shall be paid into the street light facilities fund. Similarly, all disbursement attributable to the street light facilities shall be paid from the street light facilities fund.

8.0506. EXEMPTIONS. Any and all exemptions to the provisions of this ordinance shall be at the discretion of the City. All such exceptions granted by the City pursuant to this section shall be transmitted in writing to the Finance Officer of the City.

8.0507. COLLECTION AND PAYMENT DUE. All street light service fees shall be paid monthly and shall be due and payable on the same day of the month as the water and sewer bills and shall be included as a line item on the water and sewer bills. Any payment not received by the due date shall be considered late, and the penalty shall be applied as prescribed by Harrisburg's Municipal Ordinances Chapter 8.01 – Municipal Utilities General Provisions.

8.0508. SEPARABILITY. If any provision of this ordinance is declared unconstitutional or the application thereof to any person or circumstances held invalid the constitutionality of the remainder of the ordinance and applicability thereof to other persons or circumstances shall not be affected thereby.

Dated this 19th day of August 2019.

Julie Burke – Van Luvanee  
Mayor

ATTEST:

Mary McClung  
Finance Officer

(Seal)

First Reading: August 5, 2019  
Second Reading & Adoption: August 19, 2019  
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