

ORDINANCE 2024 – 12

AN ORDINANCE AMENDING THE MUNICIPAL ORDINANCES OF THE CITY OF HARRISBURG BY ADDING CHAPTER 6.09 STREET MAINTENANCE FEE

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

ARTICLE I – PURPOSE AND JURISDICTION

SECTION 1 – PURPOSE.

Ordinance 2024 - 12 is an ordinance to amend the Municipal Ordinances of the City of Harrisburg. The Harrisburg City Council has deemed these regulations and controls to be reasonable and 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.

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

The following Chapter 6.09 shall be added to the Municipal Ordinances of the City of Harrisburg:

CHAPTER 6.09 STREET MAINTENANCE FEE

6.0901 Purpose. The purpose is to establish a charge against real property within the city for the operation and maintenance of the streets pursuant to the powers granted to the municipality by the State of South Dakota under SDCL 9-43-138.

6.0902 Fee. All real property fronting and abutting streets that are maintained by and within the city shall be charged an annual fee for the operation and maintenance of the streets. The fee for such property shall be based on the lot area, a land use weighting factor, and a unit financial charge. The fee is determined as follows:

A. The Street Maintenance Fee equals the land use weighting factor, multiplied by the parcel area (square feet), multiplied by the unit financial charge (dollars per square feet).

6.0903 Land Use Weighting Factor. The land use weighting factor is determined by the zoning and indicates the relative traffic volume from a land parcel, as a function of the average weekday trip generation as determined by the 11th edition of the Institute of Traffic Engineer's (ITE) Trip Generation Handbook and the unit density per acre of each land parcel. The land use weighting factor is to be assigned by zoning type except for operating mini-warehouses (storage units), schools, churches, or exempt properties as shown in Table I:

Table I: Land Use Weighting Factors

Zoning	Land Use Weighting Factor
NR - Natural Resource	0
A-1 - Agricultural	0
A-2 - Rural Residential	0
R-1 - Single Family Detached Residential	25.65
R-2 - Low Density Residential	39.61
R-3 - Multi-Family Residential	53.92
R-4 - High Density Residential	80.88
CB - Central Business	63.44
GB - General Business	63.44
LI - Light Industrial	36.04
HI - Heavy Industrial	36.04
Mini-Warehouses (Storage Units)	28.3
School	8.00
Churches	8.00
Exempted Properties	0

6.0904 Parcel area. The parcel area is provided by the Lincoln County Assessor's Office and the Lincoln County Register of Deeds.

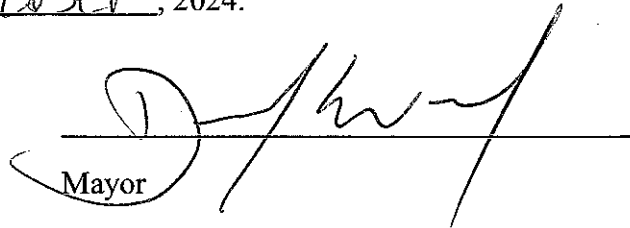
6.0905 Unit Financial Charge. The unit financial charge shall be set annually by resolution of the City Council with an anticipated, minimum annual increase of 3% thereafter.

6.0906 Study. Upon written request from a property owner, a detailed site study will be conducted by the city engineer to determine the land use weighting factor. This written request must be submitted to the Authorized Official on or before April 30 of the year the fees are charged to the subject land parcel. The city engineer shall calculate the land use weighting factor using the appropriate ITE code and associated average rate in the latest edition of the ITE's Trip Generation Handbook. The Authorized Official may direct that the land use weighting factor for a given parcel be calculated by a detailed site

investigation, where an obvious departure from the trip generation of similar land uses exists. The weighting factor may be adjusted to a lower value based on the current state of the development of the parcel. A determination of the land use weighting factor, resulting from a detailed site investigation, brought about either by written request from a property owner or direction from the Authorized Official, shall be used in the calculation of the subject parcels street maintenance fee and shall replace the factor previously derived from Table I, even if the resulting value is higher.

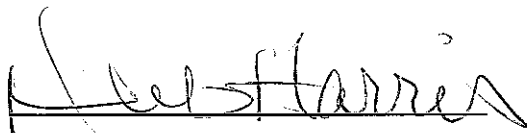
- 6.0907 Exemptions. Properties exempt from this chapter include undeveloped land and land used as a cemetery. Undeveloped land is exempt until the property is developed and occupied.
- 6.0908 Collection. The street maintenance fee established in chapter 6.0901 shall be an annual charge. The first half of the fee is due on May 1, and the second half is due on November 1, of the same year, payable at the Lincoln County Treasurer's office. These fees shall be remitted or turned over to the city finance director, at least once a month, by the county treasurer.
- 6.0909 Fund established. The special street maintenance fees paid to the city shall be kept in a separate fund to be known as the street maintenance fund. This fund shall be used to pay the cost of financing the operation and maintenance of the streets.

Dated this 15 day of October, 2024.



Mayor

ATTEST:



Finance Officer

Finance Officer

1st Reading: October 1, 2024
2nd Reading: October 15, 2024
Publication: October 24, 2024
Effective Date: November 13, 2024