

## ORDINANCE 2024 – 11

### AN ORDINANCE AMENDING THE MUNICIPAL ORDINANCES OF THE CITY OF HARRISBURG BY AMENDING CHAPTER 8.04 STORMWATER DRAINAGE

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

#### **ARTICLE I – PURPOSE AND JURISDICTION**

##### **SECTION 1 – PURPOSE.**

Ordinance 2024 - 11 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 – AMENDMENTS TO CHAPTER 8.04 STORMWATER DRAINAGE**

Chapter 8.04 of the Municipal Ordinances of the City Harrisburg shall be replaced in its entirety with the following:

#### **CHAPTER 8.04      STORMWATER DRAINAGE**

8.0401 Purpose: The purpose is to establish a charge against real property within the city for the operation, maintenance, and capital expenses of the stormwater drainage system pursuant to the powers granted to the municipality by the State of South Dakota under SDCL 9-43-138.

8.0402 Fee. All real property within the city shall be charged an annual fee for the operation, maintenance, and capital improvements of the stormwater drainage system. The fee for

such property shall be based on the parcel area, a runoff weighting factor, and a unit financial charge. The fee is determined as follows:

- A. The Storm Drainage Fee equals the runoff weighting factor, multiplied by the parcel area (square feet), multiplied by the unit financial charge (dollars per square feet).

8.0403 Runoff weighting factor. The runoff weighting factor is determined by the zoning and indicates the relative volume of storm water runoff from a land parcel, as a function of the percentage of impervious surfaces covering each land parcel. The runoff weighting factor is assigned by zoning classification except for schools, as shown in Table I:

Table I: Runoff Weighting Factor

Zoning	Runoff Weighting Factor
NR - Natural Resource	1
A-1 - Agricultural	0
A-2 – Rural Residential	0
R-1 – Single Family Detached Residential	7.5
R-2 – Low Density Residential	11.25
R-3 – Multi-Family Residential	11.25
R-4 – High Density Residential	11.25
CB – Central Business	17
GB – General Business	17
LI – Light Industrial	18.75
HI – Heavy Industrial	18.75
School	7.5
Exempt Properties	0

8.0404 Parcel area. The parcel area is provided by the Lincoln County Assessor's Office and the Lincoln County Register of Deeds.

8.0405 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.

8.0406 Study.

- A. Upon written request from a property owner, a detailed site study will be conducted by the city engineer to determine the runoff 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 percentage of impervious area for the subject parcel which contributes storm water runoff to the stormwater drainage system of the city. This system includes the storm drainage pipe, drainageways, the diversion channel, and Nine Mile Creek within the city. The runoff weighting factor is then determined through utilization of Table II.

This calculation shall be completed by July 1 of the year the written appeal is requested.

Table II

Percentage Impervious Area	Average Runoff to Rainfall Ratio ( $R_v^*$ )	Runoff Weighting Factor ( $R_v \times 25$ )
0	0.04	1.0
10	0.19	4.75
15	0.26	6.5
20	0.30	7.5
30	0.38	9.5
40	0.45	11.25
50	0.53	13.25
60	0.60	15.0
70	0.68	17.0
80	0.75	18.75
90	0.83	20.75
100	0.90	22.5

- B. Interpolation of the runoff weighting factor for a given percentage of impervious area not listed in Table II may be obtained by assuming a linear relationship between the values listed.
- C. The Authorized Official may direct that the runoff weighting factor for a given parcel be calculated by a detailed site investigation and Table II, where an obvious departure from the percentage of impervious surfaces of similar land uses exists. The weighting factor may be adjusted to a lower value based on the current state of development of the parcel.
- D. A determination of the runoff weighting factor, resulting from a detailed site investigation and Table II, 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 stormwater drainage fee and shall replace the factor previously derived from Table I, even if the resulting value is higher.

8.0407 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.

8.0408 Collection. The stormwater drainage fee established in chapter 8.0401 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.

8.0409 Fund established. The stormwater drainage fees paid to the city shall be kept in a separate fund to be known as the stormwater drainage fund. This fund shall be used to finance the operation, maintenance, and construction of the stormwater drainage system.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2024.

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Mayor

ATTEST:

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Finance Officer

1<sup>st</sup> Reading:

2<sup>nd</sup> Reading:

Publication:

Effective Date: