State of South Dakota

EIGHTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2011

273S0226

SENATE BILL NO. 89

Introduced by: Senators Gray, Nelson (Tom), Schlekeway, and Tieszen and Representatives Kirkeby, Deelstra, Munsterman, Perry, Rausch, and Venner

1   FOR AN ACT ENTITLED, An Act to clarify a municipality's ability to assess a fee for street

2   maintenance.

3   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4   Section 1. That § 9-45-38 be amended to read as follows:

5   9-45-38. The governing body prior to the assessment of real property within the municipality

6   for the next fiscal year, may levy, annually, for the purpose of maintaining or repairing street

7   surfacing or pavement a special front foot ~~assessment~~ <u>fee</u> not exceeding forty cents per front

8   foot upon the lots fronting and abutting ~~the street~~ <u>any streets within the municipality</u>. The

9   ~~assessment~~ <u>fee</u> shall be apportioned on a front foot basis and levied in the following manner~~:~~<u>.</u>

10   The governing body prior to the assessment of real property may, by resolution, designate the

11   lot or portion of lots against which the ~~assessment~~ <u>fee</u> is to be levied and the amount of the

12   ~~assessment~~ <u>fee to be assessed</u> against each lot or portions thereof for such purposes~~;~~<u>. The</u>

13   <u>governing body may directly bill the affected property owner for the fee in a manner determined</u>

14   <u>by the municipality, or the governing body may</u> direct the director of equalization to add the

15   ~~assessment~~ <u>fee assessed</u> to the general assessment against the property~~;~~ and certify the

1   ~~assessment~~ <u>fee assessed</u> together with the regular assessment to the county auditor to be

2   collected <u>in the same manner</u> as municipal taxes <u>are collected</u> for general purposes. The

3   ~~assessment~~ <u>fee assessed</u> is subject to review and equalization the same as assessments or taxes

4   for general purposes. Front foot, for the purposes of this section, means the actual front of the

5   premises as established by the buildings ~~thereon~~ <u>on the premises</u>, record title<u>,</u> and use of the

6   property regardless of the original plat.