

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 fee~~ fee not exceeding forty cents per front
8 foot upon the lots fronting and abutting ~~the street~~ any streets within the municipality. The
9 ~~assessment fee~~ fee shall be apportioned on a front foot basis and levied in the following manner:
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 fee~~ fee is to be levied and the amount of the
12 ~~assessment fee to be assessed~~ against each lot or portions thereof for such purposes; The
13 governing body may directly bill the affected property owner for the fee in a manner determined
14 by the municipality, or the governing body may direct the director of equalization to add the
15 ~~assessment fee assessed~~ to the general assessment against the property; and certify the



1 ~~assessment fee assessed~~ together with the regular assessment to the county auditor to be
2 collected in the same manner as municipal taxes are collected for general purposes. The
3 ~~assessment fee assessed~~ 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~~ on the premises, record title, and use of the
6 property regardless of the original plat.