

AN ACT

ENTITLED, An Act to clarify a municipality's ability to assess a fee for street maintenance.

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

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

9-45-38. The governing body prior to the assessment of real property within the municipality for the next fiscal year, may levy, annually, for the purpose of maintaining or repairing street surfacing or pavement a special front foot fee not exceeding forty cents per front foot upon the lots fronting and abutting any streets within the municipality that are maintained by the municipality. The fee shall be apportioned on a front foot basis and levied in the following manner. The governing body prior to the assessment of real property may, by resolution, designate the lot or portion of lots against which the fee is to be levied and the amount of the fee to be assessed against each lot or portions thereof for such purposes. The governing body may directly bill the affected property owner for the fee in a manner determined by the municipality, or the governing body may direct the director of equalization to add the fee assessed to the general assessment against the property and certify the fee assessed together with the regular assessment to the county auditor to be collected in the same manner as municipal taxes are collected for general purposes. The fee assessed is subject to review and equalization the same as assessments or taxes for general purposes. Front foot, for the purposes of this section, means the actual front of the premises as established by the buildings on the premises, record title, and use of the property regardless of the original plat.

An Act to clarify a municipality's ability to assess a fee for street maintenance.

I certify that the attached Act
originated in the

SENATE as Bill No. 89

Secretary of the Senate

President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 89

File No. _____

Chapter No. _____

Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 20____
at _____ o'clock ____ M.

Secretary of State

By _____
Asst. Secretary of State