

**CITY OF DEADWOOD
ORDINANCE 1444**

NOW THEREFORE, be it ordained by the City Commission of the City of Deadwood, in the State of South Dakota, as follows:

SECTION 1: **ADOPTION** “CHAPTER 15.02 SPECIAL ASSESSMENTS” of the Deadwood Municipal Code is hereby *added* as follows:

ADOPTION

CHAPTER 15.02 SPECIAL ASSESSMENTS(*Added*)

SECTION 2: **ADOPTION** “15.02.010 General Policy Statement” of the Deadwood Municipal Code is hereby *added* as follows:

ADOPTION

15.02.010 General Policy Statement(*Added*)

The purpose of this Special Assessment Ordinance is to establish the policies and procedures in accordance with the South Dakota Codified Laws (SDCL), Chapter 9-43, for the construction and financing of local improvement projects through assessment of benefitted properties by the City of Deadwood.

The ordinance is intended to serve as a guide for the special assessments on local improvement to ensure consistent, fair, and equitable treatment of all property owners sharing in the special benefit of the street and utility improvements as determined by the City of Deadwood.

Local improvements are defined as the process of building, altering, repairing, improving, or demolishing any local infrastructure facility, including any structure, building, or other improvement of any kind to real property as defined by SDCL § 9-43-75. The following types of local improvements which part or all the cost of the improvements is to be assessed to benefitting properties includes street grading, base course and pavement, curb and gutter, driveway pavement, sidewalks, retaining walls, sanitary sewer mains and services, water main and water services, storm sewer trunk lines and laterals. The type of assessable costs shall include but not be limited to construction costs, engineering costs, and property acquired for infrastructure including but not limited purchase and closing costs and legal and other fees.

SECTION 3: ADOPTION “15.02.020 Definitions” of the Deadwood Municipal Code is hereby *added* as follows:

ADOPTION

15.02.020 Definitions(*Added*)

In the application of this Special Assessment Policy, the rules and definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise.

Abutting - Contiguous or having a common boundary.

Adjusted Front Footage - The number of feet used in calculating an Assessment applied for each individual property based on the methods described in the Ordinance

City - The City of Deadwood, South Dakota

Deferred Assessment - A dollar amount applied for improvements or services provided to selected properties receiving special benefit that the City elects to not collect until a specific time or event as defined by the South Dakota Codified Laws and this Special Assessment Ordinance.

Driveway - A private road that gives access to a house or property from a public roadway.

Larger Lot or Parcel – One or more separate parcels of land that are under the same ownership that collectively are greater than 160 acres in size and that are unimproved in terms of infrastructure.

Local Improvement - The process of building, altering, repairing, improving, or demolishing any local infrastructure facility, including any structure, building, or other improvement of any kind to real property as defined in South Dakota Codified Laws.

Lot - Land occupied or intended for occupancy by a use or uses permitted by the City of Deadwood. It shall have its principal footage upon a street or an officially approved access. The terms *parcel* and *tract* may be used with the same definition within this Ordinance.

Oversizing - A pipe or pavement surface that is designed and constructed larger or wider than what is needed to adequately service a specific project area abutting the improvement.

Property Line - A line of record bounding a lot that divides one (1) lot from another lot or from a public or private street or any other public space.

Reconstruction - Infrastructure which currently exists and will be replaced for a similar use.

Special Assessment - A dollar amount applied for improvements or services provided to

selected properties receiving special benefit.

Special Benefit – The benefit received by a parcel of real property received when that real property receives a unique increase in value or usability due to a nearby public improvements including but not limited to new infrastructure, road access, or utility upgrades which are separate from general benefits enjoyed by the public.

Service Line - A water or sanitary sewer pipe that is installed between the main line to the property line to service individual properties.

Trunk Line - Water and sewer pipes that serve as large capacity mains to service larger areas and multiple basins outside of the areas adjacent to the main.

SECTION 4: ADOPTION “15.02.030 Methods Of Assessment” of the Deadwood Municipal Code is hereby *added* as follows:

ADOPTION

15.02.030 Methods Of Assessment(*Added*)

There are a number of methods of assessment that may be used: adjusted front footage, area, per lot, per each, zone, fair market value before and after improvements, use of improvements, and block by block. The City shall determine one method for each project or improvement, based upon which method would best reflect the special benefit received for the area to be assessed.

The assessment rate determined for each property receiving special benefit shall be equal to the assessable cost of the project divided by the total number of assessable units benefitted by the improvements.

The following methods of assessment, as described and defined below, are hereby established as methods of assessment in the City of Deadwood.

SECTION 5: ADOPTION “15.02.040 Adjusted Front Footage Method Of Assessment” of the Deadwood Municipal Code is hereby *added* as follows:

ADOPTION

15.02.040 Adjusted Front Footage Method Of Assessment(*Added*)

The cost for adjusted front footage method of assessment shall be based on the quotient of the

assessable cost divided by the total assessable frontage receiving special benefit from the improvement. To determine the assessable frontage, all properties, including governmental agencies, shall have their frontages included in such calculation.

The actual physical dimensions of a parcel abutting an improvement (i.e., street, sewer, water, etc.) shall not be construed as the frontage utilized to calculate the assessment for a particular parcel. Rather, an adjusted front footage will be determined. The purpose of this method is to equalize assessment calculations for lots of similar size. The following procedures will apply when calculating adjusted front footage. The appropriate procedure will be determined by the layout of the lot.

A. Interior rectangular lots. The adjusted front footage shall be equal to the dimension of the front of the lot. The front of the lot shall be defined as the linear distance in feet abutting a public street. B. Rectangular corner lots. The adjusted front footage shall be equal to the dimension of the front of the lot. The front of the lot shall be defined as the linear distance in feet abutting a public street. Sanitary sewer and water main adjusted front footage shall be equal to the dimension of the side of the lot that is determined to be considered the front as the linear distance in feet abutting a public street C. Interior irregularly shaped lots. The adjusted front footage shall be equal to the dimension of the front of the lot. The front of the lot shall be defined as the linear distance in feet abutting a public street. D. Irregularly shaped corner lots. The adjusted front footage shall be equal to the dimension of the front of the lot. The front of the lot shall be defined as the linear distance in feet abutting a public street. Sanitary sewer and water main adjusted front footage shall be equal to the dimension of the side of the lot that is determined to be considered the front based on the linear distance in feet abutting a public street. E. Double Frontage Lots. A double frontage lot is defined as a lot that has frontage on two non-adjointing sides. The adjusted front footage shall be equal to the dimension of the front of the lot. The front of the lot shall be defined as the linear distance in feet abutting a public street. Sanitary sewer and water main adjusted front footage shall be equal to the dimension of the side of the lot that is determined to be considered the front based on the linear distance in feet abutting a public street. F. Corner lots which abut three streets. The adjusted front footage for a given type of surface improvement shall be calculated on the same basis as if such lot was a corner lot abutting the improvement on two sides only. G. Large parcels. For large platted or unplatted lots, the lot shall be assessed based on the type of large lot as defined above with the front of the lot being defined based on the linear distance in feet abutting a public street. For the large lots that abut an improvement that assessments are being applied but is not considered the front of the lot as defined in the City of Deadwood Zoning Ordinances at the time of assessment, the lot will have a deferred assessment applied against any future lots which may be subdivided from the larger parcel and the future lots subdivided would meet the definition as the front of the lot for the assessed improvements in the future. The City shall determine the potential for large lots to be subject to a deferred assessment.

SECTION 6: **ADOPTION** “15.02.050 Area Method Of Assessment” of the Deadwood Municipal Code is hereby *added* as follows:

ADOPTION

15.02.050 Area Method Of Assessment(*Added*)

The area method of assessment shall be based on the number of square feet or acres within the boundaries of the appropriate property lines of the areas receiving special benefit from the project. The assessment rate (i.e., cost per square foot) shall be calculated by dividing the total assessable cost by the total assessable area. On large lots, the City Planning and Zoning Director may determine that only a portion of the lot(s) receives the special benefit and may select a lot depth for the calculations equal to the special benefit received.

All properties included in the area receiving special benefit, including governmental agencies, shall be assessable. The following items may not be included in area calculations: public right-of-way, and natural waterways, swamps and lakes and other wetlands designated by the State of South Dakota or the City. The City Planning and Zoning Director will make a recommendation on the boundaries or parameters of the area receiving special benefit.

SECTION 7: **ADOPTION** “15.02.060 Per Lot Method Of Assessment” of the Deadwood Municipal Code is hereby *added* as follows:

ADOPTION

15.02.060 Per Lot Method Of Assessment(*Added*)

The per lot method of assessment shall be based on equal assessment of all lots within the area receiving special benefit. The assessment per lot shall be the quotient of the assessable cost divided by the total assessable lots of parcels receiving special benefit from the improvement. For the purpose of determining the lots of parcels, all parcels, including governmental agencies, shall be included in such calculations.

SECTION 8: **ADOPTION** “15.02.070 Per Each Method Of Assessment” of the Deadwood Municipal Code is hereby *added* as follows:

ADOPTION

15.02.070 Per Each Method Of Assessment(*Added*)

The per each method of assessment shall be utilized when a property receives the sole special benefit of the improvement (example: a water service.)

SECTION 9: **ADOPTION** “15.02.080 Zone Formula” of the Deadwood Municipal Code is hereby *added* as follows:

ADOPTION

15.02.080 Zone Formula(*Added*)

Assessments may be levied by using the "zone" formula when benefits are equal and uniform among all of the parcels of the property within each zone. A "zone" or "zone and termini" system is one in which the improvement district is divided into zones, with a decrease of the percentage of the cost of the improvement assigned to each of the zones as the distance from the improvment increases.

SECTION 10: **ADOPTION** “15.02.090 Fair Market Value Before And After Improvement” of the Deadwood Municipal Code is hereby *added* as follows:

ADOPTION

15.02.090 Fair Market Value Before And After Improvement(*Added*)

The assessment may be done according to the proportionate increase in the fair market value of the property after the installation of the improvements.

SECTION 11: **ADOPTION** “15.02.100 Use Of Improvement” of the Deadwood Municipal Code is hereby *added* as follows:

ADOPTION

15.02.100 Use Of Improvement(*Added*)

The assessment may be done based on the nature and extent of the owner’s use of the improvement. The assessment is distinguished from any fees the owner may pay for the continuing use of the service provided by the improvement. The assessment is the charge for

the improvement of the property and when determining whether a charge for connecting with a municipal water or other service is a fee or an assessment.

SECTION 12: **ADOPTION** “15.02.110 Block-By-Block” of the Deadwood Municipal Code is hereby *added* as follows:

ADOPTION

15.02.110 Block-By-Block(*Added*)

The “block-by-block” method of apportionment is the assessment of individual properties in each “block” of property of a portion of the cost of acquiring the land in that block. The size and configuration of a “block” is determined on a case-by-case basis, depending on the existing facts and circumstances.

SECTION 13: **ADOPTION** “15.02.120 Assessment Determination And Standards For Improvement” of the Deadwood Municipal Code is hereby *added* as follows:

ADOPTION

15.02.120 Assessment Determination And Standards For Improvement(*Added*)

The following shall be used for determinations and standards for improvement.

SECTION 14: **ADOPTION** “15.02.130 Street, Curb And Gutter Improvements” of the Deadwood Municipal Code is hereby *added* as follows:

ADOPTION

15.02.130 Street, Curb And Gutter Improvements(*Added*)

- A. New Construction: All new streets (including gravel to asphalt) will be assessed 100% to the properties receiving special benefit. Street and curb and gutter improvements will normally be assessed by the adjusted front foot method, however other methods may be utilized if conditions warrant. Cost of construction of streets shall be assessed based on the City of Deadwood Design Standards for residential streets at the time of the assessment. Oversizing costs which are incurred more than the above may be paid by: City funds, State funds, larger Assessment rates to benefitted properties, general obligation funds, or any other method or combination of methods authorized by the

City of Deadwood.

- B. Reconstruction and Overlays: Except as for streets that were constructed and failed to meet a reasonable life expectancy, street reconstruction and overlays will be assessed 0% to the benefited properties. Reconstruction of existing paved streets without curb and gutter to an urban section with curb & gutter shall be assessed 100% to the benefitting property owners.
- C. Gravel Streets: Existing gravel streets improved to a paved street shall be assessed 100% to the benefitting properties for construction and surfacing and installing curb and gutter as if it were a new construction.
- D. Driveway Approaches: All driveway approaches constructed with new development shall be assessed at 100% to the benefitting property owners. Existing driveway approaches that are reconstructed will be assessed 0% to the benefitting property owner. The driveway approach consists of the area from the back of curb to the front edge of the sidewalk across the property or property line if there is no sidewalk.
- E. Maintenance: All maintenance on existing streets will not be assessed to the benefitting property owners and shall be paid for in accordance with the City of Deadwood policy on maintenance fees.

SECTION 15: **ADOPTION** “15.02.140 Sidewalks And Trails” of the Deadwood Municipal Code is hereby *added* as follows:

ADOPTION

15.02.140 Sidewalks And Trails(*Added*)

A. New Development: All sidewalks installed in newly developed areas shall be paid 100% by the property owner. Notwithstanding, should the City install the sidewalk then the sidewalk improvements will normally be assess against the owner by the front foot method, however other methods may be utilized if conditions warrant. Cost of construction of sidewalks and trails shall be assessed based on the City of Deadwood Design Standards at the time of the assessment.

B. New Sidewalk in Developed areas or Sidewalk Reconstruction: All new sidewalk installed in development areas shall be assed 0% to the properties abutting the improvements. Sidewalk replaced as part of a reconstruction project shall be assess 0% to the properties abutting the improvements.

SECTION 16: **ADOPTION** “15.02.150 Storm Sewer Improvements” of the Deadwood Municipal Code is hereby *added* as follows:

ADOPTION

15.02.150 Storm Sewer Improvements(*Added*)

Storm sewer improvements shall include the storm sewer piping, outlets, structures, pumping stations, stormwater management ponds, ditches, culverts, and all other appurtenances required for the collection and management of stormwater.

For New Construction, all new storm sewer installed may be assessed 100% to the benefitted properties. Storm sewer improvements will normally be assessed using the area method; however, other methods may be utilized if conditions warrant it. If new storm sewer to be installed is receiving drainage from areas outside of the assessed area causing storm sewer to be oversized, the oversizing of the storm sewer shall be unassessed and funded through the City. The area of drainage from the assessed area and the required storm sewer sizing will be used to determine the oversizing of the storm sewer. Storm sewer reconstruction projects may involve improvements that upsize or construct a new stormwater infrastructure system in areas that have inadequate drainage or developed areas without existing storm sewer infrastructure. With reconstruction projects that include work other than replacement of the existing storm sewer infrastructure system, the City shall determine the benefit to the adjacent property owners and the percentage of the reconstruction to be assessed depending on the scope and need of the improvement.

The cost for upsizing storm sewer systems to provide adequate service and capacity for areas beyond the adjacent area, the benefitting properties will be assessed at the estimate cost of an equivalent storm sewer system that would be sufficient for the drainage area of the assessment area.

SECTION 17: **ADOPTION** “15.02.160 Sanitary Sewer Improvements” of the Deadwood Municipal Code is hereby *added* as follows:

ADOPTION

15.02.160 Sanitary Sewer Improvements(*Added*)

Sanitary sewer improvements shall include the sanitary sewer piping, sanitary sewer service

lines, manholes, lift stations, and all other appurtenances required for the collection and management of wastewater.

A. New Construction: All new sanitary sewer mains and sewer service connections shall be assessed 100% to the benefited properties. Sanitary sewer main improvements will normally be assessed by the adjusted front footage basis; however, other methods may be utilized if conditions warrant it. Properties with City existing sanitary services, but which do not have mainline sewer adjacent to, across or up to their property lines will not be assessed as they are considered to already be receiving the benefit of the service connection. B. Oversized mains or upsizing: When new oversized mains or trunk lines (larger than 8”) or existing sanitary sewer mains are required to be upsized to provide adequate service and capacity for areas beyond the adjacent area, the benefitting properties will be assessed at the estimated cost of an equivalent 8” with all oversizing costs to remain unassessed and funding through the City. The City shall dictate the location and size of oversized mains. Oversizing costs shall be determined by the mean price of pipe and appurtenances at the time of construction. C. Grinder Pumps: Where, in the opinion of the engineers retained by the City of Deadwood, it is necessary to install an individual grinder pump lifting device for purposes of securing adequate flow from a property to the adjacent public sewer service, a property owner must provide the necessary grinder pump and related lines to transmit sewage to the adjacent public sewer system. The pump must be approved by the City Planning Director and installation of said grinder pump lifting device shall be done at the property owner’s expense. The lifting device and discharge line shall be owned, maintained, and operated at the expense of the property owner unless the Deadwood City Commission determines that it is in the best interest of the City to own, operate or maintain these systems.

SECTION 18: **ADOPTION** “15.02.170 Water Main Improvements” of the Deadwood Municipal Code is hereby *added* as follows:

ADOPTION

15.02.170 Water Main Improvements(*Added*)

Water main improvements shall include the water main piping, water service lines, fire hydrants, valves, fittings, and all other appurtenances required for the water distribution system.

A. New Construction: All new water main lines and water services connections will be assessed 100% to the benefitting properties. Water main improvements will normally be assessed by the adjust front footage basis; however, other methods may be utilized if conditions warrant it. Properties which have existing City water service, but not have mainline water mains adjacent to, across, or up to the property lines will not be assessed as they are considered to already be receiving the benefit of the service connection. B.

Oversized or looping: When new oversized mains or trunk lines (larger than 8”) or existing water mains are required to be upsized to provide adequate service and capacity for areas beyond the adjacent area, the benefitting properties will be assessed at the estimated cost of an equivalent 8” with all oversizing costs to remain unassessed and funding through the City. The City of Deadwood shall dictate the location and size of oversized mains. Oversizing costs shall be determined by the mean price of pipe and appurtenances at the time of construction.

SECTION 19: **ADOPTION** “15.02.180 Special Assessment Procedures” of the Deadwood Municipal Code is hereby *added* as follows:

ADOPTION

15.02.180 Special Assessment Procedures(*Added*)

The following is the general procedure for special assessments that the City of Deadwood shall follow for all local improvement projects which the City determines shall be assessed to the property owners receiving special benefit in accordance with SDCL 9-43 et al.

SECTION 20: **ADOPTION** “15.02.190 Initiation Of Local Improvements” of the Deadwood Municipal Code is hereby *added* as follows:

ADOPTION

15.02.190 Initiation Of Local Improvements(*Added*)

A. By Petition: A public improvement project may be initiated by affected property owners to be assessed.

B. By City: The City of Deadwood may initiate public improvement projects as it determines necessary with approval of the Deadwood City Commission.

SECTION 21: **ADOPTION** “15.02.200 Proposed Resolution Of Necessity” of the Deadwood Municipal Code is hereby *added* as follows:

ADOPTION

15.02.200 Proposed Resolution Of Necessity(*Added*)

The City of Deadwood shall develop a proposed resolution of necessity as defined in SDCL §§ 9-43. The proposed resolution of necessity shall include the general nature of the proposed improvement or improvements, the material to be used, an estimate of the total cost or cost per linear foot, a description of the classes of lots to be assessed and of the method of apportioning the special benefits to the lots, if applicable. The City may define which portions of the proposed improvement costs will be assessed to special benefitted properties and which portions may be covered partially or in full by the City or through the City from various funding sources, if any. The City may define which methods of determining special benefit will be used as determined to be the most consistent, fair, and equitable treatment to each of the property owners sharing in the special benefit of the street and utility improvements to be assessed. The City proposed resolution shall state that the details, plans, and specifications are available for review during regular office hours at the City finance office.

SECTION 22: **ADOPTION** “15.02.210 Notice Of Public Hearing On Proposed Resolution Of Necessity” of the Deadwood Municipal Code is hereby *added* as follows:

ADOPTION

15.02.210 Notice Of Public Hearing On Proposed Resolution Of Necessity(*Added*)

The City will publish a notice of public hearing on the proposed resolution of necessity once, not less than ten (10) nor mor than twenty (20) days before the public hearing on the resolution of necessity. The notice of public hearing shall contain the time and place of the hearing and shall state that the City will consider any objections to the proposed resolution by owners of the affected properties.

The City shall provide a mailing, by first class or certified mail to each of the affected property owners as shown by the records kept by the Lawrence County Director of Equalization, not less than ten (10) days nor more than twenty (20) days before the hearing. The mailing shall include a copy of the notice of public hearing and the proposed resolution of necessity to each property owner of the affected properties.

At the public hearing, the City will consider any objections to the proposed resolution. The City of Deadwood reserves the right to adopt the proposed resolution with or without amendments to the original resolution. If the City amends any portion of the resolution affecting the properties not included in the original proposal, the City will give notice and the opportunity to be heard to the affected property owner per SDCL 9-43-82 to 9-43-84.

After the adoption of the resolution of necessity by the City, the City will publish the adopted

resolution of necessity. The adopted resolution of necessity becomes effective twenty (20) days after publication unless brought to a vote by the referendum, suspended by a resolution of the Deadwood City Commission, or a petition is filed with the City finance officer that is signed by at least fifty-five percent (55%) of the affected property owners to be assessed. The City has the ability to deny the petition through a two-thirds vote by the Deadwood City Commission.

If the resolution of necessity becomes effective after the conditions listed above are met, the City shall move forward with contracting for the proposed improvements.

SECTION 23: ADOPTION “15.02.220 Notice Of Public Hearing On Assessment Roll” of the Deadwood Municipal Code is hereby *added* as follows:

ADOPTION

15.02.220 Notice Of Public Hearing On Assessment Roll(*Added*)

Any contract for the improvements shall contain a suspension and/or termination provision providing for termination at no cost to the City if the special assessment roll is appealed to Circuit Court. After the contract is signed, the City shall file an assessment roll with the City finance officer. The assessment roll shall include the legal description of each parcel or property, the property owner’s name as shown by the assessment roll of Lawrence County’s Director of Equalization, and the amount of assessment against each lot or parcel that is to be assessed as part of the proposed improvement. The assessment roll shall contain information on the installments (if any), rates of interest on installations and the statement on due dates of installments (if any). The statement shall include that any number of the installments may be paid without interest at the office of the finance officer within thirty (30) days from the date of approval of the roll as per SDCL §§ 9-43.

Upon filing of the assessment roll in the finance office, the City will publish a notice of public hearing on the assessment roll, not less than ten (10) days nor more than twenty (20) days before the hearing. the notice of public hearing shall disclose the nature of improvements for which the assessment is to be levied and shall contain the time and place of the hearing. It shall also state that the assessment roll is open for public inspection at the office of the finance officer, and shall refer to the special assessment role for further particulars. The City shall provide a mailing, by first class or certified mail to each of the affected property owners as shown by the records kept by the Lawrence County Director of Equalization, with the mailing being provided not less than ten (10) days nor more than twenty (20) days before the public hearing. The mailing shall include a copy of the assessment roll for each of the affected property owners to be assessed. At the public hearing, the Deadwood City Commission will consider the assessment roll and any objections thereto, and determine whether to approve, equalize, or reject the assessment roll. After the assessment roll is adopted by the City, the City shall publish the resolution which will become effective twenty (20) days after the date of

publication. The City will publish the plan for which the assessment roll and installments shall be paid and follow the timeline for appeal as stated SDCL §§ 9-43. If the Deadwood City Commission equalizes or amends the assessment roll, a list of all items of assessment changed or amended shall be published and notice and a public hearing shall be held as provided in SDCL § 9-43-90. After any corrections in the assessment roll have been made, the Deadwood City Commission by resolution shall approve and levy the assessment, describing the assessment and the local improvement, and providing the dates of the official approval of the assessment roll. The resolution approving the assessment roll shall also state under which plan the assessment and installments thereof shall be paid as provided by SDCL § 9-43-102.

The City finance officer will prepare a special record containing the following information as stated in SDCL § 9-43-98:

1. A record of all special assessments; 2. The consecutive number of the item; 3. The date the assessment is due; 4. The name of the property owner as provided by the director of equalization; 5. The legal description of the property; 6. The amount assessed against each lot; 7. The character of the improvement for which the assessment is made; 8. The date of payment of each assessment or installment that is paid to the municipality.

The City finance officer will include a suitable index to the real property against which special assessments have been levied. The City shall immediately mail to each of the property owners assessed by the improvement notice. The notice shall specify the amount of the assessment, the number of installments, the date of approval of the assessment roll, and a statement that any number of the installments may be paid without interest at the office of the finance officer within thirty (30) days from the date of the approval roll. The City will define the dates in the adopted assessment roll resolution. Any appeal of a special assessment roll must be made within twenty (20) days after publication of a notice that the resolution confirming the special assessment roll has been adopted and as otherwise set forth by SDCL § 9-43-96. Should the special assessment roll be appealed, the Deadwood City Commission at its discretion may move forward with the proposed improvements or may suspend the project until after any challenge is complete and appeal time has been exhausted.

SECTION 24: **ADOPTION** “15.02.230 Payment Options” of the Deadwood Municipal Code is hereby *added* as follows:

ADOPTION

15.02.230 Payment Options(*Added*)

The City shall define by resolution under SDCL §§ 9-43, whether the special assessments are payable under Plan One (Collection by the Lawrence County Treasurer) or Plan Two (collection by the Deadwood Finance Officer) and comply with SDCL §§ 9-43 as to delivery to the Lawrence County Auditor. The City will follow all South Dakota Codified Laws on

payments, interest, dates of effective interest and payments, notices of delinquent installments and other related payments of assessments.

SECTION 25: **ADOPTION** “15.02.240 Deferred Assessments” of the Deadwood Municipal Code is hereby *added* as follows:

ADOPTION

15.02.240 Deferred Assessments(*Added*)

This special assessment ordinance applies to any project which includes properties subject to special benefit by local improvements outside of the City limits as determined by the City. The special benefit and cost accruing to the land outside of the City limits shall be included in the original public hearing. The City shall assume the temporary responsibility for payment of the allocable cost of such property or land. The City shall maintain a register on that property outside the City limits, and when the property is annexed in the City limits, the City shall file and certify the assessment to the Lawrence County Auditor for collection after the annexation occurs.

A deferred assessment may also be applied against a large parcel that has the ability to be subdivided in the future and the frontage of the new lot, as defined in the City of Deadwood Zoning Ordinances at the time of assessment, abuts an improvement that has had a special assessment applied. The City shall decide at the time of assessment of the feasibility of a large parcel to be subdivided and meet the specified deferred assessment for the frontage determined. The special benefit and cost accruing to the frontage shall be included in the original public hearing. The City shall assume the temporary responsibility for payment of the allocable cost of such property(ies). The City shall maintain a register on that property/those properties, and if the property(ies) is/are subdivided into small parcels in the future, the City shall file and certify the assessment to the Lawrence County Auditor for collection after the plat is filed with the County.

SECTION 26: **EFFECTIVE DATE** This Ordinance shall be in full force and effect from _____ and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE CITY OF DEADWOOD CITY COMMISSION

_____.

Presiding Officer

Attest

Charlie Struble-Mook, Mayor, City of
Deadwood

Jessica McKeown, Finance Officer,
City of Deadwood