

(Title 26 replaced entirely with Ordinance 2013-02, effective 06/04/2013)

TITLE 26
DOWNTOWN BUSINESS IMPROVEMENT DISTRICT

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26.01 Boundaries of the District.

- A. The Business Improvement District shall include the following area:
1. The Business Improvement District includes property located north of Sherman Street to and including properties fronting Lazelle, on the east properties fronting Middle Street and to the west, properties fronting 4th Street.

26.02 Purpose of the District.

The Business Improvement District is created for the purpose of a collective contribution funding for a portion or all of the future proposed public events, public activities, beautification efforts and promotion of the District as allowed by SDCL Ch. 9-55 which encourages economic development within the District.

All expenditures of the Business Improvement District funds shall be for events, public activities, beautification efforts and promotion of the District that occur within the Business Improvement District. The Business Improvement District funds shall be collected by the City, deposited into a separate fund and distributed to a qualified 501 (c) 3 which will complete the activities described in the annual adopted City budget to carry out the purposes described within this Title. Funds collected from this assessment may not be used to host, promote or staff the annual Motorcycle Rally, nor may they be used for the benefit of an individual business.

26.03.01 Special Assessments.

- A. The real property in the district shall be subject to an annual special assessment based upon the special benefit to the property within the district as authorized by SDCL § 9-55-2.
- B. The special assessment shall be fair and equitable as required by SDCL § 9-55-7. The rate of each special assessment shall be determined pursuant to SDCL § 9-55-13 based upon the following formula:

1. For property located within the Business Improvement District, the property shall be assessed a total of \$2 per linear foot of the property's street frontage (it shall not include frontage along alleyways).
2. The maximum assessment on each property within the Business Improvement District shall be capped at \$600.
3. The assessments shall be subject to adjustment by the City Common Council by resolution as provided in SDCL Ch. 9-55.

26.03.02 Exemptions.

The following real property is exempt from taxation or assessment under this chapter:

- A. All real property which is exempt from taxation under SDCL Ch. 10-4, except those properties identified under 26.03.02 (G).
- B. Owner occupied residential property.
- C. Property used solely for residential uses.
- D. Property used as a place of worship.
- E. Property used by a school district and Meade County
- F. Hospital property
- G. All City property shall not be exempt. The City shall pay an assessment consistent with the linear calculation of each property located within the Businesses Improvement District.

26.04.01 Downtown Business Improvement District Board.

There is hereby created a Business Improvement District Board.

- A. Composition. The board shall consist of five owners of property within the Business Improvement District. All appointments shall be made by the City Manager. For purposes of this section, a property owner includes the following:
 1. An officer or director of a corporate property owner;
 2. A manager or member of a limited liability company that owns property;
 3. A partner of a partnership that owns property;
 4. A representative appointed by a property owner.
- B. Terms. Upon initial appointment, 3 of the members shall be appointed for 2-year terms, and 2 members shall be appointed for 1-year terms. Thereafter, all members of the board shall be appointed to serve a 2-year term. A member of the board may serve more than 1 term.
- C. Vacancies. The City Manager shall appoint a qualified individual to fill any vacancy for the remainder of the term vacated.
- D. Officers. The Board shall annually select from its members a chair and vice chair.
- E. Compensation. All members of the board shall serve as such without compensation, except for actual expenses, which shall be subject to approval of the Common Council.

26.04.02 Duties of the Board.

The Business Improvement Board shall review the activities funded through the assessment and make annual recommendations to the City Council for use of the funds. The Board's

recommendation shall be made no later than May 15 of each year. The Board shall meet at least twice per year after January to discuss previous years' expenditures and to recommend a budget for the following year. Should a property owner wish to call for a special meeting, the property owner must submit a written request to the City Finance Officer at least 7 days in advance of the requested special meeting.