Agenda

Yankton County Commission

6:00 PM, Tuesday, May 19th, 2020
Commission Chamber
Yankton County Government Center

DOCUMENTS WILL BE AVAILABLE AT AUDITOR'S OFFICE FOR REVIEW BEGINNING MAY 18th. COPIES AVAILABLE FOR $1.00 PER PAGE

Meeting chaired by:	Cheri Loest, Chair
	6:00 PM **PLEDGE OF ALLEGIANCE**
01 Call to order:	_____ Dan Klimisch _____ Joseph Healy
02 Roll Call:	_____ Don Kettering _____ Gary Swensen _____ Cheri Loest

AGENDA ITEMS

No.	Time	Item Description	Presenter
03	6:00 PM	Abstain Financial Conflict of Interest (SDCL 6-1-17) Non-Financial Interest-Must State Reason for Abstaining	Commissioner Loest
04		Approval of Agenda	
	6:05 PM	Public Comments	
05	6:10 PM	Approval of Minutes from May 5, 2020 Meeting	
06	6:15PM	Claims Auditor/Treasurer Report, Pooled Cash Report Auditor Office Employee Job Position Malt Beverage Licenses	Auditor
07	6:20 PM	Right of Way	Mike Sedlacek
08	6:25 PM	Mosquito Abatement Contracts	Jim Liebisch
09	6:30 PM	Memorandum of Understanding to Quarantine Staff	Paul Scherschligt
10	6:45 PM	Surplus Property Discussion	Dan Klimisch
11	6:50 PM	Commission Meeting Organization	Cheri Loest

12	7:00 PM	Second Reading of the Yankton County Commission Adoption of Proposed Amendments to Yankton County Ordinance 2020, Ordinance No. 20-6	Gary Vetter
		Board of Adjustment	
13	7:05 PM	Variance- Leasa Woodward	Gary Vetter
14	7:10 PM	Variance and Plat- Douglas Zimmerer	Gary Vetter
15	7:15 PM	CUP- Daniel Wieman	Gary Vetter
16	7:20 PM	Variance- Calby Auch	Gary Vetter
		Regular Session	
17	7:25 PM	White Crane Estates- Plat Lots 47, 48, 55, 56, 57	Gary Vetter
18	7:30 PM	White Crane Estates- Plat Lots 75 and 76	Gary Vetter
19	7:35 PM	Bay Properties- Plat	Gary Vetter
		Ditch Board	
20	7:40 PM	Maintenance Discussion for Yankton/Clay and Clay Creek Including Extensions	Joe Healy
		Regular Session	
21	7:45 PM	Employee Handbook	Dan Oakland- Alternative HRD
22	8:30 PM	Public Comments	
23	8:35 PM	Commissioner Updates	Commissioners
24	8:40 PM	Executive Session/Litigation Pursuant to SDCL 1-25-2(3)	State's Attorney
		Executive Session/Personnel Issue Pursuant to SDCL 1-25-2(1)	
		Items for Next Meeting	

YANKTON COUNTY COMMISSION MEETING

May 5, 2020

The regular meeting of the Yankton County Commission was called to order by Chair Cheri Loest at 6:00 PM on Tuesday, May 5, 2020.

Roll call was taken with the following Commissioners present: Don Kettering, Gary Swensen Dan Klimisch and Cheri Loest; Absent: Joseph Healy.

There were no conflicts of interest reported by Commissioners.

Action 20178C: A motion was made by Kettering and seconded by Klimisch to approve the meeting agenda change: Item 16, 17 and 20 were removed. All present voted aye; motion carried.

There was one public comment from Gary Swensen. Commissioner Kettering objected.

Chair Loest closed public comment.

Action 20179C: A motion was made by Klimisch and seconded by Kettering to approve the County Board of Equalization minutes of April 21, 2020. All present voted aye; motion carried.

Action 20180C: A motion was made by Kettering and seconded by Klimisch to approve the Consolidated Board of Equalization minutes of April 17, 2020. All present voted aye; motion carried.

Action 20181C: A motion was made by Klimisch and seconded by Kettering to approve the minutes of the April 21, 2020 meeting with the following correction: Commissioner Klimisch left the meeting due to technical difficulties. All present voted aye; motion carried.

Action 20182C: A motion was made by Klimisch and seconded by Kettering to approve the following claims: **Commissioners:** AGC of South Dakota (Travel) $50.00, River Rat Productions (Professional Services) $550.00, Yankton County Observer (Publishings) $197.27; **Elections:** Alphagraphics of Sioux Falls (Supplies) $2,465.00, Qualified Presort Services (Supplies) $17.41, Verizon (Rentals) $320.08, One Office Solution (Supplies) $292.80; **Court:** Megan Reeves (Professional Services) $782.80, Harmelink & Fox Law Office (Delinquent/Minor) $2,373.71, Juror Fees ($50.00x6) $300.00, Juror Mileage ($0.84x2) $1.68, Juror Mileage ($4.20x1) $4.20, Juror Mileage ($5.04x1) $5.04, Juror Mileage ($8.40x1) $8.40, Fox & Youngberg PC (Professional Services) $15,000.00, Kennedy Pier Loftus & Reynolds (Professional Services) $12,120.00, Dean Schaefer (Professional Services) $300.00, Thomson Reuters (Supplies) $857.46;**Auditor:** Qualified Presort Services (Supplies) $94.30, One Office Solutions (Supplies) $358.82; **Treasurer:** Qualified Presort Services (Supplies) $257.68; **Data Processing:** Tyler Technologies (Maintenance) $1,886.28; **States Attorney:** Hy-Vee (Supplies) $13.99; **Government Center Building:** Kopetsky's Ace

Hardware (Maintenance) $18.58, Kopetsky's Ace Hardware (Supplies) $26.99, Bomgaars (Supplies) $32.15, City of Yankton (Utilities) $1,663.53, Direct Automation (Supplies) $240.00, JCL Solutions (Supplies) $115.26, Mead Lumber (Maintenance) $48.75, Menards (Maintenance) $5.48, Menards (Supplies) $130.26, Nebraska Air Filter Inc. (Supplies) $249.17, Olson's Pest Technicians (Maintenance) $82.00; **Director of Equalization:** Qualified Presort Services (Supplies) $28.16, Verizon (Maintenance) $164.26; **Register of Deeds:** Qualified Presort Services (Supplies) $46.07; **VA:** Qualified Presort Services (Supplies) $13.25; **Safety Center Building:** Kopetsky's Ace Hardware (Maintenance) $26.98, Bomgaars (Supplies) $62.97, City of Yankton (Utilities) $547.03, City of Yankton (Maintenance) $12.00, Cole Paper Inc. (Supplies) $580.97, Yankton Home & Garden (Maintenance) $146.25, Menards (Supplies) $232.80, Northwestern Energy (Utilities) $6,768.29, Nebraska Air Filter, Inc. (Supplies) $842.48; **Sheriff:** Cardmember Services (Fuel) $90.49, The Collision Center (Auto Expense) $260.00, The Collision Center (Maintenance) $1,000.00, Division of Motor Vehicle (Auto Expense) $5.00, Business Bulletin, LLC (Professional Services) $280.00, Grafix Shoppe (Auto Expense) $214.41, Midcontinent Communications (Utilities) $115.00, Northtown Automotive (Maintenance) $911.46, Qualified Presort Services (Maintenance Contracts) $73.30, Two Way Solutions Inc. (Auto Expense) $2,356.20, Midwest Tire Admin-TMA (Maintenance) $19.72; **County Jail:** Avera Sacred Heart Hospital (Professional Services) $218.13, AMG Radiology (Professional Services) $13.75, Avera Home Medical Equipment (Professional Services) $128.75, AMG Hospitalists (Professional Services) $374.03, Cardmember Services (Maintenance) $24.74, McKesson Medical-Surgical Inc. (Professional Services) $171.85, Hy-Vee (Professional Services) $115.14, Menards (Supplies) $9.94; **Coroner:** One Office Solution (Supplies) $264.50; **Juvenile Detention:** Cardmember Services (Travel) $116.63; **Yankton Area Search & Rescue:** Kopetsky's Ace Hardware (Supplies) $73.34, Cox Auto Supply, Inc. (Supplies) $44.85; **Airport:** City of Yankton (2020 Co Share) $15,000.00; **Care for the Poor:** Qualified Presort Services (Supplies) $151.59; **Public Health Nurse:** Qualified Presort Services (Supplies) $28.04, Office of Child & Family (2nd Qtr. 2020) $2,671.05; **Ambulance:** Sacred Heart Health Services (Professional Services) $1,500.00, Bomgaars (Supplies) $120.30, City of Yankton (Utilities) $173.15, Credit Collection Services (Professional Services) $328.12, Kaiser Heating & Cooling (Maintenance) $79.95, Matheson Tri-Gas Inc. (Supplies) $91.63, Menards (Supplies) $56.71, MidAmerican Energy (Utilities) $225.50, Northwestern Energy (Utilities) $90.67, Qualified Presort Services (Supplies) $65.05, Verizon (Utilities) $315.94, Yankton Medical Clinic (Professional Services) $76.00, Yankton Janitorial Supply (Supplies) $113.40; **Mental Illness Board:** Harmelink & Fox Law Office (Hearings) $264.25, Kennedy Pier Loftus & Reynolds (Hearings) $332.10, Minnehaha County Auditor (Hearings) $136.35; **Library:** Yankton Community Library (1st Half 2020 Library Services) $7,500.00; **Senior Citizens:** City of Yankton (2020 1sst Half Senior Citizens) $5,079.13; **Extension:** Buhl's Cleaners (Supplies) $37.82, Vast Business (Utilities) $405.36, SDSU Extension (Travel) $43.58, City of Yankton (Utilities) $59.75, Leaf (Rentals) $139.91, MidAmerican Energy (Utilities) $66.65, Northwestern Energy (Utilities) $232.20, Olson's Pest Technicians (Maintenance) $300.00; **Weed:** Yankton County Observer (Publishing's) $108.00; **Planning & Zoning:** River Rat Productions (Professional Services) $280.00, Pheasantland Industries (Supplies) $16.75, Qualified Presort Services (Supplies) $73.12, Verizon (Utilities) $44.25; **Road & Bridge:** Appeara (Supplies) $115.13, Bomgaars (Supplies) $27.05, Bierschbach

Equipment & Supply (Supplies) $62.71Boyer Trucks (Supplies) $250.16, Brock White Company LLC (Supplies) $ 28,644.00, Midwest Ready Mix & Equipment (Supplies) $5,999.00, City of Yankton (Utilities) $49.57, Cox Auto Supply, Inc. (Supplies) $460.80, Clark Engineering (Bridges) $517.34, Clarks Rental Inc. (Supplies) $242.00, Nelson Services LLC (Supplies) $109.90, Beth Wilhelms (Travel) $39.06, Larsen Asphalt Repair Equipment LLC (Supplies) $555.99, Fejfar Plumbing & Heating (Supplies) $29.50, Hollaway Construction Co, Inc. (Bridges) $122,754.82, Kimball Midwest (Supplies) $234.38, Lyle Signs INC. (Supplies) $673.59, Long Propane Inc. (Supplies) $58.00, Menards (Supplies) $39.77, Northwestern Energy (Utilities) $56.16, Yankton County Observer (Publishing's) $22.60, Transource (Supplies) $111.88, Truck Trailer Sales Services (Supplies) $1,073.25, Verizon (Utilities) $90.70, Yankton Janitorial Supply (Supplies) $1,056.00; **Emergency 911 Fund:** Vast Business (Utilities) $1,100.33, City of Yankton (2020 1at Qtr. E911 Dispatch) $29,348.25, CenturyLink (Utilities) $68.09; **Emergency Management:** Kopetsky's Ace Hardware (Supplies) $105.89, Bomgaars (Supplies) $141.49, City of Yankton (Supplies) $5.50, Kulish Repair (Professional Services) $300.00, Echo Group (Maintenance) $179.80, Fastenal Industrial & Construction Supply (disaster Plan) $364.01, Leaf (Rentals) $104.86, MidAmerican Energy (Utilities) $14.02, Racom Corporation (Utilities) $36.03, Verizon (Utilities) $1,018.98, One Office Solution (Supplies) $82.00; **MISC:** First National Bank of Omaha (General Obligation Refunding) $34,197.50; General Fund $93,354.86, Road & Bridge $164,056.35, Emergency Management, $2,352.55. Klimisch, Kettering and Loest voting aye; Swensen voting nay; motion carried.

Action 20183C: A motion was made by Kettering and seconded by Swensen to approve the **April, 2020 Gross Payroll**: **Commissioners**: $5,606.74; **Court**: $0.00; **Election**: $0.00; Auditor: $14,691.90; **Treasurer**: $17,765.33; **States Attorney:** $41,639.64; **Government Buildings:** $7,103.57; **Director of Equalization:** $25,711.98; **Register of Deeds**: $12,711.72; **Veterans Service:** $3,351.98; **Courthouse & Safety Center:** $6,395.80; **Sheriff:** $66,292.42; **County Jail:** $80,595.93; **Coroner:** $1,100.00; **Juvenile:** $0.00; **Nurse:** $3,122.44; **Ambulance**: $50,901.87; **WIC :** $1,328.62; **Extension**: $7,190.02; **Soil Conservation:** $3,199.86; **Weed:** $0.00; **Planning & Zoning:** $17,554.14; **Road & Bridge:** $76,768.58; **E911:** $0.00; **OEM:** $9,442.62; **24-7 Program:** $891.48. First Dakota National Bank $34,969.26 (Withholding), First Dakota National Bank $52,968.66 (FICA) First Dakota National Bank $12,387.84 (Medicare), South Dakota Retirement System $33,283.42 (Other Employees), South Dakota Retirement System $19,584.54 (Sheriff), South Dakota Retirement System (Spouse Opt) $125.23, South Dakota Retirement System (Supplemental) $5,566.66, American Family Life Assurance Company (AFLAC) $5,557.49, Legalshield $25.90, Office of Child Support $578.00, Nationwide Retirement Solutions $69.44, Accounts Management $50.00, Boston Mutual Life Insurance $341.43., Colonial Life & Accident $1,381.77, Optilegra $448.84, Wellmark BC Health Insurance $64,013.33, United Way of Greater Yankton $47.50, Delta Dental $1,172.00, VSP Vision $181.54, WageWorks $1,312.50. Gross Payroll $437,571.64, Net Payroll $325,099.61. All present voted aye; motion carried.

Action 20184S: A motion was made by Klimisch and seconded by Kettering to adjust the Sheriffs Office budget due to unanticipated insurance revenue in the amount of $645.00. All present voted aye; motion carried.

Due to the increase in absentee voting for the June 2020 Primary Election, County Auditor Patty Hojem requested hiring temporary help.

Action 20185Aud: A motion was made by Klimisch and seconded by Kettering to allow the County Auditor to advertise up to four temporary positions for the June Primary election. All present voted aye; motion carried.

Action 20186C: A motion was made by Kettering and seconded by Klimisch to add the Health Reimbursement Account (HRA) to the county handbook. All present voted aye; motion carried.

Action 20187C: A motion was made by Kettering and seconded by Klimisch to approve the renewal of the County's agreement for provider services with the S.D. Department of Health. The agreement is made for the purposes of providing clerical services for the Women, Infants and Children (WIC) Program in Yankton County. All present voted aye; motion carried.

Action 20188C: A motion was made by Klimisch and seconded by Swensen to approve the Yankton County 4-H activity report. All present voted aye; motion carried.

Avera Sacred Heart Hospital CEO Doug Ekeren, via telephone, gave an update on the COVID-19 pandemic. Chief Deputy Emergency Manager Erin Hacecky who is on the County Health Board said the resolution on business and social distancing restrictions had been suspended as of May 4, 2020. She also said that the resolution could be reenacted if there was a surge in the near future.

Dave Mingo (via telephone), Yankton City Economic Development Director, presented a proposal for approval by the board. The proposal involves three delinquent tax properties: 310 Pearl Street, 900 E 8th Street and 819 Birch Road. The county and city each own two of the properties and the county is in the process of obtaining the other one. Mr. Mingo requested a city and county partnership to transfer the property to the city and waive liens and unpaid taxes to place the properties back on the tax rolls.

Action 20189C: A motion was made by Klimisch and seconded by Kettering approve the property development proposal on the three properties with the City of Yankton, on the condition the property will be developed in no less than three years. Roll call vote was taken with Klimisch, Kettering, Swensen and Loest voting aye; motion carried.

The board discussed commissioners speaking during the public comment period.

Highway Superintendent Mike Sedlacek appeared for approval on the annual striping agreement with the state and right of way request submitted by Vast Broadband.

Action 20190Hwy: A motion was made by Klimisch and seconded by Kettering to approve the Right of Way application from Vast Broadband in Township 96-54. All present voted aye; motion carried.

Action 20191Hwy: A motion was made by Kettering and seconded by Klimisch to approve the striping agreement with the Department of Transportation with the county's share being $36,972.32. All present voted aye; motion carried.

Commissioner Swensen suggested getting extra fuel storage tanks. Chair Loest said she had called the State and they highly cautioned against.

Commissioner Swensen suggested looking into a standby generator for the Government Center.

The board discussed the virtual county meeting format and the amount of public participation.

Action 20192C: A motion was made by Klimisch and seconded by Swensen to recess the commission meeting for five minutes. All present voted aye; motion carried.

Action 20193C: A motion was made by Kettering and seconded by Klimisch to reconvene. All present voted aye; motion carried.

The first reading of the Yankton County Commission Adoption of Proposed Amendments to Yankton County Ordinance 2020, Ordinance No. 20-6. Chair Loest read the changes proposed. The hearing for the second reading will be May 19, 2020.

There was a comment by Nancy Wenande.

Action 20194Z: A motion was made by Kettering and seconded by Swensen to recess the regular session and convene as Board of Adjustment. All present voted aye; motion carried.

Item 16 rescheduled to next commission meeting.

Item 17 rescheduled to next commission meeting.

CUP Public Hearing: This was the time and place for a public hearing for a Conditional Use Permit application from Mike Barkl. Applicant requested a permit for retail Firework Sales in a (C) District in Yankton County. Said property is legally described as W12 Rods N34 Rods Exc Lts H1 & H3, NW4, NW4, S6-T95N-R55W, hereinafter referred to as Walshtown Township, County of Yankton, State of South Dakota. The Planning Commission recommended approval 9-0.

Applicant Mike Barkl (via telephone) spoke on the CUP application.

Action 20195Z: A motion was made by Klimisch and seconded by Swensen, to approve based on Findings of Fact from the February 11, 2020 Yankton County Planning Commission meeting the Conditional Use Permit as presented, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance. Roll call was taken with Klimisch, Swensen, Kettering and Loest voting aye; motion carried, 4-0.

Item 19 rescheduled to next commission meeting.

Item 20 rescheduled to next commission meeting.

Action 20196C: A motion was made by Swensen and seconded by Klimisch to recess the Board of Adjustment and reconvene in regular session. All present voted aye; motion carried.

There was a drainage complaint hearing request from Monte James. Mr. James filed a Nuisance Abatement against Neal Anthony for drainage that has caused extensive erosion on his property and has washed away retaining border and eroded in several areas.

Neal Anthony spoke on the complaint.

No action was taken.

Commissioner Klimisch suggested there be public comments on proposed zoning changes and all commission discussions.

There were public comments from Louis Johnson, Ray Epp and Gary Swensen.

Chair Loest closed public comment.

Commissioner updates: Commissioner Swensen reported on a Washington, D.C. conference call and Commissioner Kettering said he attended the Human Services Center Advisory Board meeting.

Action 20197C: A motion was made by Kettering and seconded by Klimisch to recess the regular session at 8:25 pm and convene in executive session to discuss litigation SDCL 1-25-2(3). All present voted aye; motion carried.

Action 20198C: A motion was made by Klimisch and seconded by Kettering to adjourn the executive session at 8:55 pm and reconvene in regular session. All present voted aye; motion carried.

Chair Loest reported no action would be taken as a result of the executive session for Litigation.

Action 20199C: A motion was made by Kettering and seconded by Swensen to adjourn. All present voted aye; motion carried.

The next regular meeting will be Tuesday, May 19, 2020 at 6:00 p.m.

Cheri Loest, Chair
Yankton County Commission

ATTEST:
Patty Hojem, County Auditor

VENDOR SET: 01 Yankton County ITEMS PRINTED: PAID, UNPAID
PACKET: 01907 LYNDSEY 05-19-2020 CLAIMS
FUND : 101 GENERAL FUND
DEPARTMENT: N/A NON-DEPARTMENTAL BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-00030	DEPARTMENT OF REVENUE &	I-202005154122	101-4-32200	2020-2021 MALT BEV RENEWAL		2,100.00
01-18128	SD DEPARTMENT OF REVENU	I-202005154100	101-4-34180	STATE SALES TAX		4.51
01-18128	SD DEPARTMENT OF REVENU	I-202005154100	101-4-34182	STATE SALES TAX		6.76
01-18128	SD DEPARTMENT OF REVENU	I-202005154100	101-4-34212	STATE SALES TAX		27.30
				DEPARTMENT 0000 NON-DEPARTMENTAL	TOTAL:	2,138.57

VENDOR SET: 01 Yankton County ITEMS PRINTED: PAID, UNPAID
PACKET: 01907 LYNDSEY 05-19-2020 CLAIMS
FUND : 101 GENERAL FUND
DEPARTMENT: 111 COMMISSIONERS BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-01200	VAST BUSINESS	I-202005154096	101-5-111-42800	UTILITIES-COMMISSIONERS		52.50
01-01630	INTUVIO SOLUTIONS	I-202005134043	101-5-111-42200	PROF SERVICES-COMMISSIONERS		99.90
01-16017	QUALIFIED PRESORT SERVI	I-202005154114	101-5-111-42600	SUPPLIES-COMMISSIONERS		16.30
01-24003	YANKTON DAILY P & D	I-202005134091	101-5-111-42300	PUBLISHINGS-COMMISSIONERS		422.54
				DEPARTMENT 111 COMMISSIONERS TOTAL:		591.24

VENDOR SET: 01 Yankton County ITEMS PRINTED: PAID, UNPAID
PACKET: 01907 LYNDSEY 05-19-2020 CLAIMS
FUND : 101 GENERAL FUND
DEPARTMENT: 120 ELECTIONS BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-05065	FIRST BANKCARD	I-202005154105	101-5-120-42600	SUPPLIES-ELECTIONS		28.56
01-10467	KANSAS STATE BANK	I-202005154098	101-5-120-42400	LEASE AGREEMENT-ELECTIONS		284.57
01-16017	QUALIFIED PRESORT SERVI	I-202005154114	101-5-120-42600	SUPPLIES-ELECTIONS		1,214.74
01-22241	ONE OFFICE SOLUTION	I-202005154113	101-5-120-42600	SUPPLIES-ELECTIONS		722.46
01-24003	YANKTON DAILY P & D	I-202005134091	101-5-120-42300	PUBLISHINGS-ELECTIONS		330.30
01-24003	YANKTON DAILY P & D	I-202005154126	101-5-120-42300	PUBLISHINGS-ELECTIONS		22.70

DEPARTMENT 120 ELECTIONS TOTAL: 2,603.33

VENDOR SET: 01 Yankton County ITEMS PRINTED: PAID, UNPAID
PACKET: 01907 LYNDSEY 05-19-2020 CLAIMS
FUND : 101 GENERAL FUND
DEPARTMENT: 130 COURT BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-02670	MEGAN REEVES	I-202005134048	101-5-130-42200	PROF SERVICES-CRT		123.40
01-06253	GREAT PLAINS PSYCHOLOGI	I-202005134057	101-5-130-42200	PROF SERVICES-CRT		3,577.50
01-10061	KENNEDY PIER LOFTUS & R	I-202005134062	101-5-130-42200	PROF SERVICES-CRT		750.50
01-18170	DEPARTMENT OF HEALTH	I-202005134078	101-5-130-42210	LAB-CRT APRIL 2020		525.00
01-19267	CREIGHTON A. THURMAN	I-202005134084	101-5-130-42220	NEGLECTED-CRT		3,018.50
01-22259	THOMSON REUTERS - WEST	I-202005134088	101-5-130-42600	SUPPLIES-CRT		857.46
01-22259	THOMSON REUTERS - WEST	I-202005134089	101-5-130-42600	SUPPLIES-CRT		77.25

DEPARTMENT 130 COURT TOTAL: 8,929.61

VENDOR SET: 01 Yankton County ITEMS PRINTED: PAID, UNPAID
PACKET: 01907 LYNDSEY 05-19-2020 CLAIMS
FUND : 101 GENERAL FUND
DEPARTMENT: 141 AUDITOR BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-01200	VAST BUSINESS	I-202005154096	101-5-141-42800	UTILITIES-AUDITOR		175.05
01-02483	CULLIGAN	I-202005154099	101-5-141-42600	SUPPLIES-AUDITOR		14.00
01-10467	KANSAS STATE BANK	I-202005154098	101-5-141-42400	LEASE AGREEMENT-AUDITOR		596.59
01-11049	LEAF	I-202005154097	101-5-141-42400	RENTALS-AUDITOR		159.00
01-16017	QUALIFIED PRESORT SERVI	I-202005154114	101-5-141-42600	SUPPLIES-AUDITOR		131.62
01-22241	ONE OFFICE SOLUTION	I-202005154113	101-5-141-42500	MAINTENANCE-AUDITOR		141.06
01-22241	ONE OFFICE SOLUTION	I-202005154113	101-5-141-42600	SUPPLIES-AUDITOR		292.91

DEPARTMENT 141 AUDITOR TOTAL: 1,510.23

VENDOR SET: 01 Yankton County ITEMS PRINTED: PAID, UNPAID
PACKET: 01907 LYNDSEY 05-19-2020 CLAIMS
FUND : 101 GENERAL FUND
DEPARTMENT: 142 TREASURER BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-01200	VAST BUSINESS	I-202005154096	101-5-142-42800	UTILITIES-TREASURER		208.82
01-02483	CULLIGAN	I-202005154099	101-5-142-42600	SUPPLIES-TREASURER		123.00
01-10467	KANSAS STATE BANK	I-202005154098	101-5-142-42400	LEASE AGREEMENT-TREASURER		1,076.05
01-16017	QUALIFIED PRESORT SERVI	I-202005154114	101-5-142-42600	SUPPLIES-TREASURER		612.74
01-22241	ONE OFFICE SOLUTION	I-202005154113	101-5-142-42500	MAINTENANCE-TREASURER		200.00
01-24003	YANKTON DAILY P & D	I-202005134091	101-5-142-42300	PUBLISHINGS-TREASURER		110.10
				DEPARTMENT 142 TREASURER	TOTAL:	2,330.71

VENDOR SET: 01 Yankton County ITEMS PRINTED: PAID, UNPAID
PACKET: 01907 LYNDSEY 05-19-2020 CLAIMS
FUND : 101 GENERAL FUND
DEPARTMENT: 143 DATA PROCESSING BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-01200	VAST BUSINESS	I-202005154096	101-5-143-42800	UTILITIES-DATA		999.78
01-05065	FIRST BANKCARD	I-202005154103	101-5-143-42500	MAINTENANCE-DATA		43.81
01-10467	KANSAS STATE BANK	I-202005154098	101-5-143-42400	LEASE AGREEMENT-DATA		1,242.92
				DEPARTMENT 143 DATA PROCESSING TOTAL:		2,286.51

VENDOR SET: 01 Yankton County ITEMS PRINTED: PAID, UNPAID
PACKET: 01907 LYNDSEY 05-19-2020 CLAIMS
FUND : 101 GENERAL FUND
DEPARTMENT: 151 STATES ATTORNEY BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-01404	CENTURY BUSINESS PRODUC	I-202005134041	101-5-151-42400	RENTALS-STATES ATTY		369.76
01-02483	CULLIGAN	I-202005154099	101-5-151-42600	SUPPLIES-STATES ATTY		21.00
01-04156	EXECUTIVE MGMT FINANCE	I-202005154121	101-5-151-42800	UTILITIES-STATES ATTY		25.00
01-10467	KANSAS STATE BANK	I-202005154098	101-5-151-42400	LEASE AGREEMENT-STATES ATTY		1,029.39
01-16017	QUALIFIED PRESORT SERVI	I-202005154114	101-5-151-42600	SUPPLIES-STATES ATTY		119.93
01-18951	SECURITY SHREDDING SERV	I-202005134081	101-5-151-42500	MAINTENANCE-STATES ATTY		35.00
01-24041	YANKTON TITLE COMPANY	I-202005134092	101-5-151-42200	PROF SERVICES-STATES ATTY		150.00

DEPARTMENT 151 STATES ATTORNEY TOTAL: 1,750.08

VENDOR SET: 01 Yankton County ITEMS PRINTED: PAID, UNPAID
PACKET: 01907 LYNDSEY 05-19-2020 CLAIMS
FUND : 101 GENERAL FUND
DEPARTMENT: 161 GOVERNMENT BUILDINGS BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-01200	VAST BUSINESS	I-202005154096	101-5-161-42800	UTILITIES-GOVT CTR		26.25
01-05065	FIRST BANKCARD	I-202005154105	101-5-161-42600	SUPPLIES-GOVT CTR		61.92
01-09274	JOHNSON CONTROLS, INC.	I-202005134061	101-5-161-42500	MAINTENANCE-GOVT CTR		5,690.07
01-09287	JCL SOLUTIONS	I-202005154129	101-5-161-42600	SUPPLIES-GOVT CTR		147.13
01-12150	MEAD LUMBER	I-202005134067	101-5-161-42500	MAINTENANCE-GOVT CTR		64.55
01-13001	NORTHWESTERN ENERGY	I-202005134073	101-5-161-42800	UTILITIES-GOVT CTR		2,380.29
01-20004	UNITED LABORATORIES INC	I-202005134085	101-5-161-42600	SUPPLIES-GOVT CTR		290.89

DEPARTMENT 161 GOVERNMENT BUILDINGS TOTAL: 8,661.10

VENDOR SET: 01 Yankton County ITEMS PRINTED: PAID, UNPAID
PACKET: 01907 LYNDSEY 05-19-2020 CLAIMS
FUND : 101 GENERAL FUND
DEPARTMENT: 162 DIRECTOR OF EQUALIZATION BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-01200	VAST BUSINESS	I-202005154096	101-5-162-42800	UTILITIES-DOE		229.50
01-02396	GWORKS	I-202005134046	101-5-162-42500	MAINTENANCE-DOE		1,576.00
01-02830	THE COLLISION CENTER	I-202005134050	101-5-162-42500	MAINTENANCE-DOE		253.50
01-10467	KANSAS STATE BANK	I-202005154098	101-5-162-42400	LEASE AGREEMENT-DOE		1,117.18
01-12418	MICROFILM IMAGING SYSTE	I-202005134070	101-5-162-42500	MAINTENANCE-DOE		70.00
01-22241	ONE OFFICE SOLUTION	I-202005154130	101-5-162-42500	MAINTENANCE-DOE		124.86
01-24003	YANKTON DAILY P & D	I-202005154125	101-5-162-42300	PUBLISHINGS-DOE		11.50

DEPARTMENT 162 DIRECTOR OF EQUALIZATI TOTAL: 3,382.54

VENDOR SET: 01 Yankton County ITEMS PRINTED: PAID, UNPAID
PACKET: 01907 LYNDSEY 05-19-2020 CLAIMS
FUND : 101 GENERAL FUND
DEPARTMENT: 163 REGISTER OF DEEDS BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-01200	VAST BUSINESS	I-202005154096	101-5-163-42800	UTILITIES-ROD		177.55
01-04156	EXECUTIVE MGMT FINANCE	I-202005154121	101-5-163-42800	UTILITIES-ROD		25.00
01-10467	KANSAS STATE BANK	I-202005154098	101-5-163-42400	LEASE AGREEMENT-ROD		737.56
01-12418	MICROFILM IMAGING SYSTE	I-202005134071	101-5-163-42400	RENTALS-ROD		336.00
01-16017	QUALIFIED PRESORT SERVI	I-202005154114	101-5-163-42600	SUPPLIES-ROD		50.13
01-22241	ONE OFFICE SOLUTION	I-202005154113	101-5-163-42600	SUPPLIES-ROD		10.12

DEPARTMENT 163 REGISTER OF DEEDS TOTAL: 1,336.36

VENDOR SET: 01 Yankton County ITEMS PRINTED: PAID, UNPAID
PACKET: 01907 LYNDSEY 05-19-2020 CLAIMS
FUND : 101 GENERAL FUND
DEPARTMENT: 165 VETERANS SERVICE OFFICER BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-01200	VAST BUSINESS	I-202005154096	101-5-165-42800	UTILITIES-VA		26.25
01-10467	KANSAS STATE BANK	I-202005154098	101-5-165-42400	LEASE AGREEMENT-VA		149.15
01-16017	QUALIFIED PRESORT SERVI	I-202005154114	101-5-165-42600	SUPPLIES-VA		5.52

DEPARTMENT 165 VETERANS SERVICE OFFIC TOTAL: 180.92

VENDOR SET: 01 Yankton County ITEMS PRINTED: PAID, UNPAID
PACKET: 01907 LYNDSEY 05-19-2020 CLAIMS
FUND : 101 GENERAL FUND
DEPARTMENT: 169 SAFETY CENTER BUILDING BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-00514	C & B OPERATIONS, LLC	I-202005134038	101-5-169-42500	MAINTENANCE-SAFETY CTR		35.98
01-01200	VAST BUSINESS	I-202005154093	101-5-169-42800	UTILITIES-SAFETY CTR		845.84
01-02084	COLE PAPERS INC.	I-202005154123	101-5-169-42600	SUPPLIES-SAFETY CTR		223.00
01-05065	FIRST BANKCARD	I-202005154105	101-5-169-42600	SUPPLIES-SAFETY CTR		34.89
01-09274	JOHNSON CONTROLS, INC.	I-202005134061	101-5-169-42500	MAINTENANCE-SAFETY CTR		5,690.07
01-12371	MIDAMERICAN ENERGY	I-202005134068	101-5-169-42800	UTILITIES-SAFETY CTR		971.14
01-14005	OLSON'S PEST TECHNICIAN	I-202005154127	101-5-169-42500	MAINTENANCE-SAFETY CTR		110.00

DEPARTMENT 169 SAFETY CENTER BUILDING TOTAL: 7,910.92

VENDOR SET: 01 Yankton County ITEMS PRINTED: PAID, UNPAID
PACKET: 01907 LYNDSEY 05-19-2020 CLAIMS
FUND : 101 GENERAL FUND
DEPARTMENT: 211 SHERIFF BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-02483	CULLIGAN	I-202005154099	101-5-211-42600	SUPPLIES-SHERIFF		28.00
01-02830	THE COLLISION CENTER	I-202005134051	101-5-211-43600	AUTO EQUIPMENT-SHERIFF		45.59
01-02830	THE COLLISION CENTER	I-202005154118	101-5-211-42500	MAINTENANCE-SHERIFF		645.00
01-08004	AUTO VALUE YANKTON	I-202005134060	101-5-211-42500	MAINTENANCE-SHERIFF		190.99
01-16017	QUALIFIED PRESORT SERVI	I-202005154114	101-5-211-42520	MAINTENANCE CONTRACTS-SHERIFF		87.84
01-18610	TWO WAY SOLUTIONS INC	I-202005134080	101-5-211-43600	AUTO EQUIPMENT-SHERIFF		2,548.76
				DEPARTMENT 211 SHERIFF	TOTAL:	3,546.18

VENDOR SET: 01 Yankton County ITEMS PRINTED: PAID, UNPAID
PACKET: 01907 LYNDSEY 05-19-2020 CLAIMS
FUND : 101 GENERAL FUND
DEPARTMENT: 212 COUNTY JAIL BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-00402	AVERA MEDICAL GROUP	I-202005134037	101-5-212-42200	PROF SERVICES-JAIL		225.00
01-02059	CHARM-TEX	I-202005134045	101-5-212-42600	SUPPLIES-JAIL		4,552.80
01-02428	JERRY SORBEL	I-202005134047	101-5-212-42200	PROF SERVICES-JAIL		120.00
01-02483	CULLIGAN	I-202005154099	101-5-212-42210	FOOD SERVICES-JAIL		18.00
01-03195	SUMMIT FOOD SERVICE, LL	I-202005134053	101-5-212-42210	FOOD SERVICES-JAIL		16,067.80
01-05242	FASTENAL INDUSTRIAL & C	I-202005134055	101-5-212-42600	SUPPLIES-JAIL		300.00
01-09287	JCL SOLUTIONS	I-202005154129	101-5-212-42600	SUPPLIES-JAIL		1,777.74
01-15104	CORRECTIONAL RISK SERVI	I-202005134075	101-5-212-42220	INMATE MEDICAL LIAB INS-JAIL		325.74
01-18024	SHERWIN WILLIAMS COMPAN	I-202005134077	101-5-212-42600	SUPPLIES-JAIL		55.18
01-19064	TIRE MUFFLER ALIGNMENT	I-202005134082	101-5-212-42540	AUTO EXPENSE-JAIL		19.72
01-24002	YANKTON REXALL DRUG CO.	I-202005154124	101-5-212-42200	PROF SERVICES-JAIL		440.88

DEPARTMENT 212 COUNTY JAIL TOTAL: 23,902.86

VENDOR SET: 01 Yankton County ITEMS PRINTED: PAID, UNPAID
PACKET: 01907 LYNDSEY 05-19-2020 CLAIMS
FUND : 101 GENERAL FUND
DEPARTMENT: 213 CORONER BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-22241	ONE OFFICE SOLUTION	I-202005154113	101-5-213-42600	SUPPLIES-CORONER		264.50
				DEPARTMENT 213 CORONER TOTAL:		264.50

VENDOR SET: 01 Yankton County ITEMS PRINTED: PAID, UNPAID
PACKET: 01907 LYNDSEY 05-19-2020 CLAIMS
FUND : 101 GENERAL FUND
DEPARTMENT: 226 YANKTON AREA SEARCH & RES BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-03039	DANKO EMERGENCY EQUIPME	I-202005134052	101-5-226-42600	SUPPLIES-YASR		364.71
01-05065	FIRST BANKCARD	I-202005154101	101-5-226-42600	SUPPLIES-YASR		563.37
				DEPARTMENT 226 YANKTON AREA SEARCH & TOTAL:		928.08

VENDOR SET: 01 Yankton County ITEMS PRINTED: PAID, UNPAID
PACKET: 01907 LYNDSEY 05-19-2020 CLAIMS
FUND : 101 GENERAL FUND
DEPARTMENT: 411 CARE OF POOR BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-10467	KANSAS STATE BANK	I-202005154098	101-5-411-42400	LEASE AGREEMENT-POOR RELIEF		393.04
01-16017	QUALIFIED PRESORT SERVI	I-202005154114	101-5-411-42600	SUPPLIES-POOR RELIEF		102.46
01-22259	THOMSON REUTERS - WEST	I-202005134089	101-5-411-42600	SUPPLIES-POOR RELIEF		77.25
01-22429	WINTZ & RAY FUNERAL HOM	I-202005134090	101-5-411-42200	PROF SERVICES-POOR RELIEF		1,250.00
				DEPARTMENT 411 CARE OF POOR	TOTAL:	1,822.75

VENDOR SET: 01 Yankton County ITEMS PRINTED: PAID, UNPAID
PACKET: 01907 LYNDSEY 05-19-2020 CLAIMS
FUND : 101 GENERAL FUND
DEPARTMENT: 421 PUBLIC HEALTH NURSE BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-01200	VAST BUSINESS	I-202005154096	101-5-421-42800	UTILITIES-NURSE		240.34
01-01536	TIAA COMMERCIAL FINANCE	I-202005154119	101-5-421-42400	RENTALS-NURSE		70.96
01-16017	QUALIFIED PRESORT SERVI	I-202005154114	101-5-421-42600	SUPPLIES-NURSE		71.23

DEPARTMENT 421 PUBLIC HEALTH NURSE TOTAL: 382.53

VENDOR SET: 01 Yankton County ITEMS PRINTED: PAID, UNPAID
PACKET: 01907 LYNDSEY 05-19-2020 CLAIMS
FUND : 101 GENERAL FUND
DEPARTMENT: 424 AMBULANCE BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-00031	AVERA EDUCATION & STAFF	I-202005134033	101-5-424-42600	SUPPLIES-AMBULANCE		365.00
01-00269	AVERA SACRED HEART HOSP	I-202005134035	101-5-424-42600	SUPPLIES-AMBULANCE		943.55
01-00363	AT & T	I-202005134036	101-5-424-42800	UTILITIES-AMBULANCE		36.05
01-01200	VAST BUSINESS	I-202005154094	101-5-424-42800	UTILITIES-AMBULANCE		182.66
01-01902	BOUND TREE MEDICAL LLC	I-202005134044	101-5-424-42600	SUPPLIES-AMBULANCE		679.75
01-02690	CINTAS	I-202005134049	101-5-424-42600	SUPPLIES-AMBULANCE		68.13
01-04062	CHANGE HEALTHCARE	I-202005134054	101-5-424-42200	PROF SERVICES-AMBULANCE		155.83
01-05065	FIRST BANKCARD	I-202005154106	101-5-424-42600	SUPPLIES-AMBULANCE		7.80
01-05065	FIRST BANKCARD	I-202005154107	101-5-424-42600	FUEL-AMBULANCE		120.73
01-05065	FIRST BANKCARD	I-202005154108	101-5-424-42600	FUEL-AMBULANCE		128.18
01-05065	FIRST BANKCARD	I-202005154109	101-5-424-42600	FUEL-AMBULANCE		115.84
01-05065	FIRST BANKCARD	I-202005154110	101-5-424-42600	SUPPLIES-AMBULANCE		15.96
01-05065	FIRST BANKCARD	I-202005154110	101-5-424-42600	FUEL-AMBULANCE		28.94
01-05065	FIRST BANKCARD	I-202005154110	101-5-424-42700	TRAVEL-AMBULANCE		25.00
01-05065	FIRST BANKCARD	I-202005154111	101-5-424-42600	SUPPLIES-AMBULANCE		32.58
01-05065	FIRST BANKCARD	I-202005154111	101-5-424-42600	FUEL-AMBULANCE		111.46
01-05065	FIRST BANKCARD	I-202005154112	101-5-424-42700	TRAVEL-AMBULANCE		25.00
01-10467	KANSAS STATE BANK	I-202005154098	101-5-424-42400	LEASE AGREEMENT-AMBULANCE		653.08
01-11049	LEAF	I-202005154097	101-5-424-42400	RENTALS-AMBULANCE		81.43
01-12129	MATHESON TRI-GAS INC. d	I-202005134064	101-5-424-42400	RENTALS-AMBULANCE		78.35
01-13001	NORTHWESTERN ENERGY	I-202005134072	101-5-424-42800	UTILITIES-AMBULANCE		1,241.75
01-16017	QUALIFIED PRESORT SERVI	I-202005154114	101-5-424-42600	SUPPLIES-AMBULANCE		53.26
01-17015	ROGER'S FAMILY PHARMACY	I-202005134076	101-5-424-42600	SUPPLIES-AMBULANCE		81.36
01-22241	ONE OFFICE SOLUTION	I-202005134087	101-5-424-42600	SUPPLIES-AMBULANCE		333.37
01-24008	YANKTON JANITORIAL SUPP	I-202005134086	101-5-424-42600	SUPPLIES-AMBULANCE		165.40

DEPARTMENT 424 AMBULANCE TOTAL: 5,730.46

VENDOR SET: 01 Yankton County ITEMS PRINTED: PAID, UNPAID
PACKET: 01907 LYNDSEY 05-19-2020 CLAIMS
FUND : 101 GENERAL FUND
DEPARTMENT: 441 MENTLLY HANDICAPPED BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-18215	SD ACHIEVE dba LIFESCAP	I-202005134079	101-5-441-00000	CARE-MI APRIL		300.00
				DEPARTMENT 441 MENTLLY HANDICAPPED TOTAL:		300.00

VENDOR SET: 01 Yankton County ITEMS PRINTED: PAID, UNPAID
PACKET: 01907 LYNDSEY 05-19-2020 CLAIMS
FUND : 101 GENERAL FUND
DEPARTMENT: 445 MENTAL ILLNESS BOARD BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-01765	DARCY LOCKWOOD	I-202005154117	101-5-445-00000	HEARINGS-MI		42.00
01-10118	MARK KATTERHAGEN	I-202005154116	101-5-445-00000	HEARINGS-MI		42.00
01-11005	LEWIS & CLARK BEHAVIORA	I-202005134063	101-5-445-00000	HEARINGS-MI		1,068.00
01-11092	LUCILLE M. LEWNO	I-202005154115	101-5-445-00000	HEARINGS-MI		754.50
01-12134	MINNEHAHA COUNTY AUDITO	I-202005134066	101-5-445-00000	HEARINGS-MI		83.50

DEPARTMENT 445 MENTAL ILLNESS BOARD TOTAL: 1,990.00

VENDOR SET: 01 Yankton County ITEMS PRINTED: PAID, UNPAID
PACKET: 01907 LYNDSEY 05-19-2020 CLAIMS
FUND : 101 GENERAL FUND
DEPARTMENT: 514 HISTORICAL SITES BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-07012	YANKTON COUNTY HISTORIC	I-202005134058	101-5-514-00000	1ST HALF 2020 ALLOTMENT		8,000.00
				DEPARTMENT 514 HISTORICAL SITES TOTAL:		8,000.00

VENDOR SET: 01 Yankton County ITEMS PRINTED: PAID, UNPAID
PACKET: 01907 LYNDSEY 05-19-2020 CLAIMS
FUND : 101 GENERAL FUND
DEPARTMENT: 611 COUNTY EXTENSION BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-00090	KOPETSKY'S ACE HARDWARE	I-202005134034	101-5-611-42600	SUPPLIES-EXTENSION		32.99
01-01023	BUHL'S CLEANERS	I-202005134040	101-5-611-42600	SUPPLIES-EXTENSION		37.82
01-10467	KANSAS STATE BANK	I-202005154098	101-5-611-42400	LEASE AGREEMENT-EXTENSION		487.14
01-13001	NORTHWESTERN ENERGY	I-202005134074	101-5-611-42800	UTILITIES-EXTENSION		168.98
01-14005	OLSON'S PEST TECHNICIAN	I-202005154128	101-5-611-42500	MAINTENANCE-EXTENSION		160.00
				DEPARTMENT 611 COUNTY EXTENSION TOTAL:		886.93

VENDOR SET: 01 Yankton County ITEMS PRINTED: PAID, UNPAID
PACKET: 01907 LYNDSEY 05-19-2020 CLAIMS
FUND : 101 GENERAL FUND
DEPARTMENT: 615 WEED BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-02008	COX AUTO SUPPLY INC.	I-202005134002	101-5-615-42600	SUPPLIES-WEED		25.76
01-17145	ROAD KING INC.	I-202005134003	101-5-615-43600	AUTO EQUIPMENT-WEED		2,600.00
01-24003	YANKTON DAILY P & D	I-202005134004	101-5-615-42300	PUBLISHINGS-WEED		513.80
				DEPARTMENT 615 WEED	TOTAL:	3,139.56

VENDOR SET: 01 Yankton County ITEMS PRINTED: PAID, UNPAID
PACKET: 01907 LYNDSEY 05-19-2020 CLAIMS
FUND : 101 GENERAL FUND
DEPARTMENT: 711 PLANNING & ZONING BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-01200	VAST BUSINESS	I-202005154096	101-5-711-42800	UTILITIES-ZONING		62.50
01-05065	FIRST BANKCARD	I-202005154104	101-5-711-42700	TRAVEL-ZONING		7.00
01-10467	KANSAS STATE BANK	I-202005154098	101-5-711-42400	LEASE AGREEMENT-ZONING		173.82
01-12418	MICROFILM IMAGING SYSTE	I-202005134069	101-5-711-42400	RENTALS-ZONING		70.00
01-16017	QUALIFIED PRESORT SERVI	I-202005154114	101-5-711-42600	SUPPLIES-ZONING		11.06
01-22241	ONE OFFICE SOLUTION	I-202005154113	101-5-711-42600	SUPPLIES-ZONING		3.05
01-24003	YANKTON DAILY P & D	I-202005134091	101-5-711-42300	PUBLISHINGS-ZONING		147.99
01-24003	YANKTON DAILY P & D	I-202005154126	101-5-711-42300	PUBLISHINGS-ZONING		35.94

DEPARTMENT 711 PLANNING & ZONING TOTAL: 511.36

FUND 101 GENERAL FUND TOTAL: 95,017.33

VENDOR SET: 01 Yankton County ITEMS PRINTED: PAID, UNPAID
PACKET: 01907 LYNDSEY 05-19-2020 CLAIMS
FUND : 201 ROAD & BRIDGE
DEPARTMENT: 311 HIGHWAY CONSTRUCTION & MA BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-00069	A-OX WELDING SUPPLY CO.	I-202005134005	201-5-311-42600	SUPPLIES-HWY		28.26
01-00090	KOPETSKY'S ACE HARDWARE	I-202005134006	201-5-311-42600	SUPPLIES-HWY		85.97
01-01011	BOMGAARS	I-202005134007	201-5-311-42600	SUPPLIES-HWY		294.99
01-01012	B-Y ELECTRIC	I-202005134008	201-5-311-42800	UTILITIES-HWY		71.48
01-01013	B-Y WATER DISTRICT	I-202005134009	201-5-311-42800	UTILITIES-HWY		96.75
01-01130	BATTERY EXCHANGE	I-202005134010	201-5-311-42600	SUPPLIES-HWY		320.90
01-01146	BUILDING SPRINKLER INC.	I-202005134011	201-5-311-42500	MAINTENANCE-HWY		255.00
01-01166	BUTLER MACHINERY CO.	I-202005134012	201-5-311-42600	SUPPLIES-HWY		1,178.20
01-01200	VAST BUSINESS	I-202005154095	201-5-311-42800	UTILITIES-HWY		167.55
01-01382	BOYER TRUCKS	I-202005134013	201-5-311-42600	SUPPLIES-HWY		300.91
01-02001	CITY OF YANKTON	I-202005134014	201-5-311-42800	UTILITIES-HWY		29.10
01-02008	COX AUTO SUPPLY INC.	I-202005134015	201-5-311-42600	SUPPLIES-HWY		481.40
01-02058	CONCRETE MATERIALS	I-202005134016	201-5-311-42600	SUPPLIES-HWY		3,626.43
01-02516	KOGEL ARCHAEOLOGICAL CO	I-202005134017	201-5-311-42903	BRIDGES-HWY		3,342.00
01-02701	THOMPSON SIGNS LLC dba	I-202005134018	201-5-311-42600	SUPPLIES-HWY		2,163.27
01-02830	THE COLLISION CENTER	I-202005134019	201-5-311-42500	MAINTENANCE-HWY		253.50
01-03154	CHS	I-202005134020	201-5-311-42600	SUPPLIES-HWY		1,107.40
01-03154	CHS	I-202005134020	201-5-311-42640	FUEL-HWY		13,228.76
01-03178	LARSEN ASPHALT REPAIR E	I-202005134021	201-5-311-42600	SUPPLIES-HWY		90.08
01-05078	KRIS FORD	I-202005134022	201-5-311-42900	ANNUAL PROJECTS-HWY		14,751.10
01-06244	GRAHAM TIRE YANKTON	I-202005134023	201-5-311-42600	SUPPLIES-HWY		5,129.80
01-09120	JANSSEN'S GARBAGE SERVI	I-202005134024	201-5-311-42800	UTILITIES-HWY		45.00
01-10467	KANSAS STATE BANK	I-202005154098	201-5-311-42400	LEASE AGREEMENT-HWY		537.60
01-12011	MARKS MACHINERY	I-202005134025	201-5-311-42600	SUPPLIES-HWY		43.18
01-12150	MEAD LUMBER	I-202005134026	201-5-311-42600	SUPPLIES-HWY		270.52
01-12213	MIDWEST RADIATOR & EXHA	I-202005134028	201-5-311-42600	SUPPLIES-HWY		78.00
01-12371	MIDAMERICAN ENERGY	I-202005134027	201-5-311-42800	UTILITIES-HWY		236.83
01-18221	TRANSOURCE	I-202005134029	201-5-311-42600	SUPPLIES-HWY		34.40
01-18745	SOUTHEASTERN ELECTRIC C	I-202005134030	201-5-311-42800	UTILITIES-HWY		79.28
01-22241	ONE OFFICE SOLUTION	I-202005134031	201-5-311-42600	SUPPLIES-HWY		180.58
01-24003	YANKTON DAILY P & D	I-202005134032	201-5-311-42300	PUBLISHINGS-HWY		29.73

DEPARTMENT 311 HIGHWAY CONSTRUCTION & TOTAL: 48,537.97

FUND 201 ROAD & BRIDGE TOTAL: 48,537.97

VENDOR SET: 01 Yankton County ITEMS PRINTED: PAID, UNPAID
PACKET: 01907 LYNDSEY 05-19-2020 CLAIMS
FUND : 207 EMERGENCY 911 FUND
DEPARTMENT: 225 LOCAL EMERGENCY PLANNING BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-06224	GOLDEN WEST TELECOMMUNI	I-202005134056	207-5-225-42800	UTILITIES-E911		145.00
				DEPARTMENT 225 LOCAL EMERGENCY PLANNI TOTAL:		145.00
				FUND 207 EMERGENCY 911 FUND TOTAL:		145.00

VENDOR SET: 01 Yankton County ITEMS PRINTED: PAID, UNPAID
PACKET: 01907 LYNDSEY 05-19-2020 CLAIMS
FUND : 226 EMERGENCY MANAGEMENT
DEPARTMENT: 222 EMERGENCY MANAGEMENT BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-01012	B-Y ELECTRIC	I-202005134039	226-5-222-42800	UTILITIES-EDS		53.08
01-01536	TIAA COMMERCIAL FINANCE	I-202005134042	226-5-222-42400	RENTALS-EDS		173.15
01-05065	FIRST BANKCARD	I-202005154101	226-5-222-42610	DISASTER PLAN-EDS		265.83
01-05065	FIRST BANKCARD	I-202005154101	226-5-222-42200	PROF SERVICES-EDS		1,022.57
01-05065	FIRST BANKCARD	I-202005154101	226-5-222-42500	MAINTENANCE-EDS		41.39
01-05065	FIRST BANKCARD	I-202005154101	226-5-222-42600	SUPPLIES-EDS		46.33
01-05065	FIRST BANKCARD	I-202005154102	226-5-222-42600	SUPPLIES-EDS		38.69
01-05065	FIRST BANKCARD	I-202005154102	226-5-222-42700	TRAVEL-EDS		96.20
01-10467	KANSAS STATE BANK	I-202005154098	226-5-222-42400	LEASE AGREEMENT-EDS		581.57
01-11049	LEAF	I-202005154097	226-5-222-42400	RENTALS-EDS		189.00
01-12132	MIDCONTINENT COMMUNICAT	I-202005134065	226-5-222-42800	UTILITIES-EDS		177.22
01-19247	TABOR LUMBER COOPERATIV	I-202005134083	226-5-222-42600	SUPPLIES-EDS		84.25

DEPARTMENT 222 EMERGENCY MANAGEMENT TOTAL: 2,769.28

FUND 226 EMERGENCY MANAGEMENT TOTAL: 2,769.28

VENDOR SET: 01 Yankton County ITEMS PRINTED: PAID, UNPAID
PACKET: 01907 LYNDSEY 05-19-2020 CLAIMS
FUND : 233 COUNTY BUILDING
DEPARTMENT: 920 GOVERNMENT BUILDINGS BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-07728	HANDER INC.	I-202005134059	233-5-920-00000	GOVERNMENT BUILDINGS		4,100.00
				DEPARTMENT 920 GOVERNMENT BUILDINGS TOTAL:		4,100.00
				FUND 233 COUNTY BUILDING TOTAL:		4,100.00

VENDOR SET: 01 Yankton County ITEMS PRINTED: PAID, UNPAID
PACKET: 01907 LYNDSEY 05-19-2020 CLAIMS
FUND : 759 CLEARING FUND
DEPARTMENT: N/A NON-DEPARTMENTAL BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-18405	BYRON NOGELMEIER	I-202005154120	759-4-34217	CAM DAILY FEE		1,889.00
				DEPARTMENT 0000 NON-DEPARTMENTAL TOTAL:		1,889.00
				FUND 759 CLEARING FUND TOTAL:		1,889.00
				REPORT GRA TOTAL:		152,458.58

** G/L ACCOUNT TOTALS **

YEAR	ACCOUNT	NAME	AMOUNT	LINE ITEM ANNUAL BUDGET	LINE ITEM BUDGET AVAILABLE	LINE ITEM OVER BUDG	GROUP BUDGET ANNUAL BUDGET	GROUP BUDGET AVAILABLE	GROUP BUDGET OVER BUDG
2020	101-4-32200	ALCOHOLIC BEVER*NON-EXPENS	2,100.00	14,000-	16,175.00-				
	101-4-34180	OTHER COPIES *NON-EXPENS	4.51	1,000-	4,945.89				
	101-4-34182	ASSESSOR'S COPI*NON-EXPENS	6.76	500-	419.73-				
	101-4-34212	FINGER PRINTS *NON-EXPENS	27.30	5,000-	3,810.73-				
	101-5-111-42200	PROFESSIONAL SERVICE & FEE	99.90	40,000	33,622.25				
	101-5-111-42300	PUBLISHINGS	422.54	13,000	7,833.97				
	101-5-111-42600	SUPPLIES	16.30	2,000	1,871.23				
	101-5-111-42800	UTILITIES	52.50	500	237.50				
	101-5-120-42300	PUBLISHINGS	353.00	3,795	3,442.00				
	101-5-120-42400	RENTALS	284.57	5,215	2,546.25				
	101-5-120-42600	SUPPLIES	1,965.76	18,000	8,467.51				
	101-5-130-42200	PROFESSIONAL SERVICE & FEE	4,451.40	400,000	273,855.80				
	101-5-130-42210	JUROR-WITNESS-HEARINGS-LAB	525.00	96,500	69,020.23				
	101-5-130-42220	NEGLECTED	3,018.50	86,500	74,684.00				
	101-5-130-42600	SUPPLIES	934.71	5,000	1,769.14				
	101-5-141-42400	RENTALS	755.59	4,200	2,211.82				
	101-5-141-42500	REPAIRS & MAINTENANCE	141.06	2,000	758.36				
	101-5-141-42600	SUPPLIES	438.53	10,000	7,243.64				
	101-5-141-42800	UTILITIES	175.05	2,000	1,124.20				
	101-5-142-42300	PUBLISHINGS	110.10	1,000	327.65				
	101-5-142-42400	RENTALS	1,076.05	2,500	347.90				
	101-5-142-42500	REPAIRS & MAINTENANCE	200.00	1,800	1,565.00				
	101-5-142-42600	SUPPLIES	735.74	12,000	4,579.15				
	101-5-142-42800	UTILITIES	208.82	3,900	2,852.54				
	101-5-143-42400	RENTAL	1,242.92	15,000	12,304.44				
	101-5-143-42500	REPAIRS & MAINTENANCE	43.81	65,000	58,148.32				
	101-5-143-42800	UTILITIES	999.78	10,000	4,283.72				
	101-5-151-42200	PROFESSIONAL SERVICE & FEE	150.00	10,000	9,465.62				
	101-5-151-42400	RENTALS	1,399.15	7,000	2,416.75				
	101-5-151-42500	REPAIRS & MAINTENANCE	35.00	2,500	565.00				
	101-5-151-42600	SUPPLIES	140.93	8,800	6,135.97				
	101-5-151-42800	UTILITIES	25.00	2,750	2,593.00				
	101-5-161-42500	REPAIRS & MAINTENANCE	5,754.62	25,000	10,638.38				
	101-5-161-42600	SUPPLIES	499.94	9,000	4,292.86				
	101-5-161-42800	UTILITIES	2,406.54	70,000	46,839.22				
	101-5-162-42300	PUBLISHINGS	11.50	500	162.14-	Y			
	101-5-162-42400	RENTALS	1,117.18	3,000	765.64				
	101-5-162-42500	REPAIRS & MAINTENANCE	2,024.36	46,300	23,150.92				
	101-5-162-42800	UTILITIES	229.50	3,000	1,852.50				
	101-5-163-42400	RENTALS	1,073.56	8,000	3,404.88				
	101-5-163-42600	SUPPLIES	60.25	3,300	1,849.76				
	101-5-163-42800	UTILITIES	202.55	2,700	1,686.48				
	101-5-165-42400	RENTALS	149.15	625	326.70				
	101-5-165-42600	SUPPLIES	5.52	820	754.51				

** G/L ACCOUNT TOTALS **

YEAR	ACCOUNT	NAME	AMOUNT	=========LINE ITEM========= ANNUAL BUDGET	BUDGET AVAILABLE	OVER BUDG	=======GROUP BUDGET======= ANNUAL BUDGET	BUDGET AVAILABLE	OVER BUDG
	101-5-165-42800	UTILITIES	26.25	400	268.75				
	101-5-169-42500	REPAIRS & MAINTENANCE	5,836.05	40,000	20,566.26				
	101-5-169-42600	SUPPLIES	257.89	16,000	7,621.87				
	101-5-169-42800	UTILITIES	1,816.98	262,000	222,131.14				
	101-5-211-42500	REPAIRS & MAINTENANCE	835.99	20,000	16,480.10				
	101-5-211-42520	MAINTENANCE CONTRACTS	87.84	10,000	8,350.79				
	101-5-211-42600	SUPPLIES	28.00	6,800	6,506.07				
	101-5-211-43600	MACHINERY & AUTO EQUIPMENT	2,594.35	77,850	422.24-	Y			
	101-5-212-42200	PROFESSIONAL SERVICES	785.88	100,000	69,405.02				
	101-5-212-42210	FOOD SERVICE	16,085.80	225,000	173,808.80				
	101-5-212-42220	INMATE MEDICAL LIAB INSURA	325.74	16,390	11,961.02				
	101-5-212-42540	AUTO EXPENSE	19.72	4,590	4,157.82				
	101-5-212-42600	SUPPLIES	6,685.72	40,000	19,654.73				
	101-5-213-42600	SUPPLIES	264.50	750	221.00				
	101-5-226-42600	SUPPLIES	928.08	7,555	3,132.72				
	101-5-411-42200	PROFESSIONAL SERVICE & FEE	1,250.00	70,000	60,985.84				
	101-5-411-42400	RENTALS	393.04	1,500	713.92				
	101-5-411-42600	SUPPLIES	179.71	3,000	1,574.48				
	101-5-421-42400	RENTALS	70.96	700	325.20				
	101-5-421-42600	SUPPLIES	71.23	1,350	777.69				
	101-5-421-42800	UTILITIES	240.34	3,500	2,302.53				
	101-5-424-42200	PROFESSIONAL SERVICE & FEE	155.83	38,610	28,133.42				
	101-5-424-42400	RENTALS	812.86	8,160	6,057.86				
	101-5-424-42600	SUPPLIES	3,251.31	106,370	75,956.78				
	101-5-424-42700	TRAVEL	50.00	7,800	6,126.94				
	101-5-424-42800	UTILITIES	1,460.46	28,560	17,588.37				
	101-5-441-00000	MISC	300.00	100,000	75,402.77				
	101-5-445-00000	MISC	1,990.00	88,000	43,137.27				
	101-5-514-00000	MISC	8,000.00	18,000	10,000.00				
	101-5-611-42400	RENTALS	487.14	5,000	2,679.28				
	101-5-611-42500	REPAIRS & MAINTENANCE	160.00	7,000	5,830.00				
	101-5-611-42600	SUPPLIES	70.81	5,500	5,195.28				
	101-5-611-42800	UTILITIES	168.98	8,000	5,218.59				
	101-5-615-42300	PUBLISHINGS	513.80	2,500	1,878.20				
	101-5-615-42600	SUPPLIES	25.76	12,000	11,614.51				
	101-5-615-43600	MACHINERY & AUTO EQUIPMENT	2,600.00	4,000	1,400.00				
	101-5-711-42300	PUBLISHINGS	183.93	2,000	1,328.14				
	101-5-711-42400	RENTALS	243.82	8,900	8,097.64				
	101-5-711-42600	SUPPLIES	14.11	4,000	2,281.53				
	101-5-711-42700	TRAVEL	7.00	3,000	2,780.37				
	101-5-711-42800	UTILITIES	62.50	1,000	465.56				
	201-5-311-42300	PUBLISHINGS	29.73	3,000	2,476.83				
	201-5-311-42400	RENTALS	537.60	25,000	23,924.80				
	201-5-311-42500	REPAIRS & MAINTENANCE	508.50	130,000	102,429.85				
	201-5-311-42600	SUPPLIES	15,414.29	377,000	194,692.97				

** G/L ACCOUNT TOTALS **

YEAR	ACCOUNT	NAME	AMOUNT	LINE ITEM ANNUAL BUDGET	LINE ITEM BUDGET AVAILABLE	LINE ITEM OVER BUDG	GROUP BUDGET ANNUAL BUDGET	GROUP BUDGET AVAILABLE	GROUP BUDGET OVER BUDG
	201-5-311-42640	HWY FUEL	13,228.76	135,000	86,657.32				
	201-5-311-42800	UTILITIES	725.99	30,000	13,768.19				
	201-5-311-42900	ANNUAL PROJECT(S)	14,751.10	1,330,000	1299,855.18				
	201-5-311-42903	BRIDGES	3,342.00	360,000	32,278.65-	Y			
	207-5-225-42800	UTILITIES	145.00	44,000	29,309.26				
	226-5-222-42200	PROFESSIONAL SERVICE & FEE	1,022.57	13,882	9,063.56				
	226-5-222-42400	RENTALS	943.72	9,972	7,249.25				
	226-5-222-42500	REPAIRS & MAINTENANCE	41.39	24,000	16,944.12				
	226-5-222-42600	SUPPLIES	169.27	40,658	30,077.68				
	226-5-222-42610	OEM - DISASTER PLAN	265.83	0	6,476.05-	Y			
	226-5-222-42700	TRAVEL	96.20	6,314	5,981.29				
	226-5-222-42800	UTILITIES	230.30	17,700	11,326.77				
	233-5-920-00000	MISC	4,100.00	20,000	55,290.03-	Y			
	759-4-34217	SCRAM BRACELETS*NON-EXPENS	1,889.00	0	1,781.00-				
		** 2020 YEAR TOTALS	152,458.58						

** DEPARTMENT TOTALS **

ACCT	NAME	AMOUNT
101	NON-DEPARTMENTAL	2,138.57
101-111	COMMISSIONERS	591.24
101-120	ELECTIONS	2,603.33
101-130	COURT	8,929.61
101-141	AUDITOR	1,510.23
101-142	TREASURER	2,330.71
101-143	DATA PROCESSING	2,286.51
101-151	STATES ATTORNEY	1,750.08
101-161	GOVERNMENT BUILDINGS	8,661.10
101-162	DIRECTOR OF EQUALIZATION	3,382.54
101-163	REGISTER OF DEEDS	1,336.36
101-165	VETERANS SERVICE OFFICER	180.92
101-169	SAFETY CENTER BUILDING	7,910.92
101-211	SHERIFF	3,546.18
101-212	COUNTY JAIL	23,902.86
101-213	CORONER	264.50
101-226	YANKTON AREA SEARCH & RES	928.08
101-411	CARE OF POOR	1,822.75
101-421	PUBLIC HEALTH NURSE	382.53
101-424	AMBULANCE	5,730.46
101-441	MENTLLY HANDICAPPED	300.00

** DEPARTMENT TOTALS **

ACCT	NAME	AMOUNT
101-445	MENTAL ILLNESS BOARD	1,990.00
101-514	HISTORICAL SITES	8,000.00
101-611	COUNTY EXTENSION	886.93
101-615	WEED	3,139.56
101-711	PLANNING & ZONING	511.36
101 TOTAL	GENERAL FUND	95,017.33
201-311	HIGHWAY CONSTRUCTION & MA	48,537.97
201 TOTAL	ROAD & BRIDGE	48,537.97
207-225	LOCAL EMERGENCY PLANNING	145.00
207 TOTAL	EMERGENCY 911 FUND	145.00
226-222	EMERGENCY MANAGEMENT	2,769.28
226 TOTAL	EMERGENCY MANAGEMENT	2,769.28
233-920	GOVERNMENT BUILDINGS	4,100.00
233 TOTAL	COUNTY BUILDING	4,100.00
759	NON-DEPARTMENTAL	1,889.00
759 TOTAL	CLEARING FUND	1,889.00
	** TOTAL **	152,458.58

NO ERRORS

** END OF REPORT **

SECTION IV-ACCOUNTING RECORDS

ILLUSTRATION 18

AUDITOR'S MONTHLY SETTLEMENT WITH TREASURER
YANKTON COUNTY
April 30th 2020
DATE

CASH ON HAND IN TREASURER'S OFFICE:	
SILVER AND PENNIES	$0.28
ONES	$35.00
FIVES	
TENS	
TWENTIES	
FIFTIES	
HUNDREDS	$1,200.00
CASH ITEMS	$30.00
CHECKS (SEE ATTACHED TAPE)	$1,186,488.52
OFFICE CHANGE	$1,430.00
TOTAL CASH ON HAND	$1,189,183.80
CHECKING ACCOUNT BALANCES:	
FIRST DAKOTA NATIONAL BANK CR CARD	$10,867,655.29
SAVINGS ACCOUNT BALANCES:	
1ST DAKOTA NATIONAL BANK	$3,415,374.53
COR TRUST BANK GAYVILLE	$658,175.81
COR TRUST BANK YANKTON	$249,698.39
FIRST NATIONAL BANK, YANKTON	$595,195.17
GREAT WESTERN BANK	$1,008,570.36
WELLS FARGO BANKS	$369,688.69
CERTIFICATES OF DEPOSIT:	
INVESTMENTS:	
OTHER ACCOUNT BALANCES:	
BAD CHECKS	$4,655.90
GRAND TOTAL CASH AND BALANCES	$18,358,197.94

GENERAL LEDGER CASH AND INVESTMENT BALANCES BY FUNDS:	
GENERAL FUND	$6,498,995.63
SPECIAL FUND	$2,345,178.99
TRUST AND AGENCY FUNDS	$9,514,023.32
GRAND TOTAL GENERAL LEDGER CASH AND INVESTMENTS	$18,358,197.94

COUNTY AUDITOR SIGNATURE

DATE

COUNTY TREASURER SIGNATURE

DATE

POOLED CASH REPORT
AS OF: APRIL 30TH, 2020

FUND	ACCOUNT#	ACCOUNT NAME	BEGINNING BALANCE	CURRENT ACTIVITY	CURRENT BALANCE
CLAIM ON CASH					
101	10100	GENERAL CASH & DEPOSITS	4,447,403.91	2,051,591.72	6,498,995.63
201	10100	ROAD & BRIDGE CASH & DEPOSITS	189,300.57	10,472.84	199,773.41
207	10100	E911	621,900.13	(1,051.62)	620,848.51
210	10100	JAIL BLDG CASH & DEPOSITS	584,634.53	57,287.68	641,922.21
226	10100	EMERGENCY MANAGEMENT	(75,065.81)	(21,716.10)	(96,781.91)
229	10100	DOMESTIC ABUSE	18,162.33	580.00	18,742.33
233	10100	COUNTY BUILDING	165,347.58	3,533.43	168,881.01
243	10100	HISTORICAL PRESERVATION	12,720.66	40,009.73	52,730.39
248	10100	24/7 FUND	46,307.86	(3,261.89)	43,045.97
250	10100	M & P R FUND	101,298.37	801.00	102,099.37
303	10100	CAP PROJECT SAFETY CENTER	6,194.86	3.83	6,198.69
304	10100	CAP PROJECT ROAD & BRDGE	0.00	0.00	0.00
306	10100	CAP PROJECT - NAPA JUNCTION	0.00	0.00	0.00
402	10100	DEBT SERVICE-SAFETY CENTER	131,035.63	240,209.66	371,245.29
403	10100	Debt Service - Highway Blg	0.00	0.00	0.00
404	10100	DEBT SERVICE - NAPA JUNCTION	5,051.53	211,422.19	216,473.72
704	10100	COUNTY LAW LIBRARY	34.01	390.00	424.01
705	10100	TOWER FUND	16,058.41	0.00	16,058.41
721	10100	DISTRICT SCHOOLS	1,000,558.49	5,488,142.64	6,488,701.13
723	10100	CITIES & TOWNS	201,857.55	1,653,497.39	1,855,354.94
725	10100	TOWNSHIPS	39,522.30	84,775.25	124,297.55
733	10100	ROAD DISTRICTS	0.00	0.00	0.00
734	10100	BOND DEPOSITS	0.00	0.00	0.00
735	10100	DELINQUENT TAXES	36,862.25	1,857.59	38,719.84
736	10100	MUNICIPALITIES	0.00	0.00	0.00
739	10100	SPECIAL ASSESSMENTS	0.00	0.00	0.00
740	10100	DRAINAGE DITCHES	339,900.25	12,282.29	352,182.54
742	10100	STATE MOTOR	650,135.11	(445,901.92)	204,233.19
748	10100	LOCAL EMERGENCY PLANNING	4,460.25	0.00	4,460.25
757	10100	SPECIAL HIGHWAY	0.00	0.00	0.00
759	10100	CLEARING FUND	5,335.48	(1,018.50)	4,316.98
763	10100	REDEMPTION	114.85	0.00	114.85
764	10100	RC & D LOWER JAMES	4,620.00	0.00	4,620.00
767	10100	FIRE/ROAD DISTRICT	0.00	0.00	0.00
768	10100	Statewide 24/7 Sobriety Prog	2,489.00	(39.00)	2,450.00
769	10100	M & PR Fund	0.00	0.00	0.00
770	10100	OTHER SPECIALS	62,901.15	355,188.48	418,089.63
771	10100	YC DITCH #2	0.00	0.00	0.00
TOTAL CLAIM ON CASH			8,619,141.25	9,739,056.69	18,358,197.94
CASH IN BANK - POOLED CASH					
999	10050	TOTAL CASH ON HAND	49,526.13	1,139,657.67	1,189,183.80
999	10100	Pooled Cash Checking	5,061,996.92	5,805,658.37	10,867,655.29
999	10200	CHECKING CREDIT CARD	0.00	0.00	0.00
999	10300	SAVINGS ACCOUNT BALANCES	3,503,843.29	2,792,859.66	6,296,702.95
999	10400	CD'S ACCOUNT BALANCE	0.00	0.00	0.00
999	10500	BAD CHECKS	3,774.91	880.99	4,655.90
SUBTOTAL CASH IN BANK - POOLED CASH			8,619,141.25	9,739,056.69	18,358,197.94

POOLED CASH REPORT
AS OF: APRIL 30TH, 2020

FUND	ACCOUNT#	ACCOUNT NAME	BEGINNING BALANCE	CURRENT ACTIVITY	CURRENT BALANCE
WAGES PAYABLE					
	999-20400	WAGES PAYABLE	0.00	0.00	0.00
	SUBTOTAL WAGES PAYABLE		0.00	0.00	0.00
TOTAL CASH IN BANK - POOLED CASH			8,619,141.25	9,739,056.69	18,358,197.94
DUE TO OTHER FUNDS - POOLED CASH					
	999-20300	DUE TO OTHER FUNDS	8,619,141.25	9,739,056.69	18,358,197.94
TOTAL DUE TO OTHER FUNDS			8,619,141.25	9,739,056.69	18,358,197.94

Date Received _____

Date Issued _____

2020-2021

License No. RB-3673

Uniform Alcoholic Beverage License Application

A. Owner Name and Mailing Address

MAYFIELD BAR & GRILL, LLC

44398 SD HIGHWAY46
IRENE, SD 57037-5609

B. Business Name and Address

Lic # RB-3673
MAYFIELD BAR & GRILL, LLC

44398 SD HIGHWAY46
IRENE, SD 57037-5609

Owner's Telephone#: 605 760 1809

Business Telephone #: 605 263 3490

C. Indicate the class of license being applied for (submit separate application for each class of license).

- [ ] Retail (on-sale) Liquor
- [ ] Retail (on-sale) Liquor - Restaurant
- [ ] Convention Center (on-sale) Liquor
- [ ] Package (off-sale) Liquor
- [ ] Retail (on-off sale) Wine and Cider
- [X] Retail (on-off sale) Malt Beverage & SD Farm Wine
- [ ] Package Delivery
- [ ] Hunting Preserve
- [ ] Other _____

Is this License in active use? [X] Yes [ ] No

Do you or any officers, directors, partners, or stockholders hold any other alcohol retail, manufacturing, or wholesaler licenses? [ ] Yes [ ] No **If Yes, please list on the back page**

Place of business is located in a municipality? [ ] Yes [X] No

County: Yankton

Do you own [X] or lease [ ] this property? (Check one)

Are real property taxes paid to date? [X] Yes [ ] No

D. Legal description of licensed premise:

Mayfield Bar & Grill
Lt A SE4 SE4
Section 34, 96N/55W
08.034.200.020

Have you ever been convicted of a felony? [ ] Yes [X] No

E. State Sales Tax Number: 1035-4900-ST

F. New license? ____ Transfer? ($150) ____ Re-issuance? X

G. CERTIFICATE: The undersigned applicant certifies under the penalties of perjury that all statements herein are true and correct; that the said applicant complies with all of the statutory requirements for the class of license being applied for and in addition agrees to permit agents of the Department of Revenue access to the licensed premises and records as provided in SDCL 35-2-2.1, and agrees this application shall constitute a contract between applicant and the State of South Dakota entitling the same or any peace officers to inspect the premises, books and records at any time for the purpose of enforcing the provisions of Title 35 SDCL, as amended.

Date 5/5/2020 Print Name Dan Lebeer Signature _____

H. APPROVAL OF LOCAL GOVERNING BODY- Notice of hearing was published _____. Public hearing on the application was held 5-19-20, not less than SEVEN (7) days after official publication. The governing body by majority vote recommends the approval and granting of this license and certifies that requirements as to location and suitability of premises and applicant have been reviewed and conform to the requirements of local and South Dakota law.

Renewal - no public hearing held ☐
Amount of fee collected with application $ 300.00
Amount of fee retained $ 150.00
Forwarded with application $ 150.00

For Local Government Use

(Seal) _____
Mayor or Chairman

If disapproved, endorse reason thereon and return to applicant

Transferred (State Use)

From _____

Sales tax approval _____ Date _____

STATE LIQUOR AUTHORITY: APPROVAL ____ **REVIEW** ____

Please complete reverse side

Date Received _____

Date Issued _____

2020-2021

License No. RB-25278

Uniform Alcoholic Beverage License Application

A. Owner Name and Mailing Address

DONLIN MARINE, LLC

43497 SHORE DR
YANKTON, SD 57078-6890

B. Business Name and Address

Lic # RB-25278
MARINA GRILL

43497 SHORE DR
YANKTON, SD 57078-6890

Owner's Telephone# : (605) 689-2111

Business Telephone #: (605) 689-2111

C. Indicate the class of license being applied for (submit separate application for each class of license).

- [ ] Retail (on-sale) Liquor
- [ ] Retail (on-sale) Liquor - Restaurant
- [ ] Convention Center (on-sale) Liquor
- [ ] Package (off-sale) Liquor
- [ ] Retail (on-off sale) Wine and Cider
- [X] Retail (on-off sale) Malt Beverage & SD Farm Wine
- [ ] Package Delivery
- [ ] Hunting Preserve
- [ ] Other _____

Is this License in active use? [X] Yes [ ] No

Do you or any officers, directors, partners, or stockholders hold any other alcohol retail, manufacturing, or wholesaler licenses? [X] Yes [ ] No **If Yes, please list on the back page**

Place of business is located in a municipality? [ ] Yes [X] No

County: Yankton

Do you own [ ] or lease [X] this property? (Check one)

Are real property taxes paid to date? [X] Yes [ ] No

D. Legal description of licensed premise:

Marina Grill
N2 SW4, Section 17, 93N/56W
09.017.200.110

Have you ever been convicted of a felony? [ ] Yes [X] No

E. State Sales Tax Number: 1029-5820-ST

F. New license? ____ Transfer? ($150) ____ Re-issuance? X

G. CERTIFICATE The undersigned applicant certifies under the penalties of perjury that all statements herein are true and correct; that the said applicant complies with all of the statutory requirements for the class of license being applied for and in addition agrees to permit agents of the Department of Revenue access to the licensed premises and records as provided in SDCL 35-2-2.1, and agrees this application shall constitute a contract between applicant and the State of South Dakota entitling the same or any peace officers to inspect the premises, books and records at any time for the purpose of enforcing the provisions of Title 35 SDCL, as amended.

Date 5/12/20 Print Name Chris Donlin Signature _____

H. APPROVAL OF LOCAL GOVERNING BODY- Notice of hearing was published _____. Public hearing on the application was held 5-19-20, not less than SEVEN (7) days after official publication. The governing body by majority vote recommends the approval and granting of this license and certifies that requirements as to location and suitability of premises and applicant have been reviewed and conform to the requirements of local and South Dakota law.

Renewal - no public hearing held [ ]
Amount of fee collected with application $ 300.00
Amount of fee retained $ 150.00
Forwarded with application $ 150.00

For Local Government Use

(Seal) _____
Mayor or Chairman

If disapproved, endorse reason thereon and return to applicant

Transferred (State Use)

From _____

Sales tax approval _____ Date _____

STATE LIQUOR AUTHORITY: APPROVAL ____ **REVIEW** ____

Please complete reverse side

Date Received _____

Date Issued _____

2020-2021

License No. RB-3578

Uniform Alcoholic Beverage License Application

A. Owner Name and Mailing Address

DONLIN MARINE, LLC

PO BOX 19
PICKSTOWN, SD 57367

B. Business Name and Address

Lic # RB-3578
LEWIS & CLARK MARINA

43527 SHORE DR
YANKTON, SD 57078

Owner's Telephone# : (605) 491-0023

Business Telephone #: _____

C. Indicate the class of license being applied for (submit separate application for each class of license).

- [ ] Retail (on-sale) Liquor
- [ ] Retail (on-sale) Liquor - Restaurant
- [ ] Convention Center (on-sale) Liquor
- [ ] Package (off-sale) Liquor
- [ ] Retail (on-off sale) Wine and Cider
- [X] Retail (on-off sale) Malt Beverage & SD Farm Wine
- [ ] Package Delivery
- [ ] Hunting Preserve
- [ ] Other _____

Is this License in active use? [X] Yes [ ] No

Do you or any officers, directors, partners, or stockholders hold any other alcohol retail, manufacturing, or wholesaler licenses? [X] Yes [ ] No **If Yes, please list on the back page.**

Place of business is located in a municipality? [ ] Yes [X] No

County: Yankton

Do you own [ ] or lease [X] this property? (Check one)

Are real property taxes paid to date? [X] Yes [ ] No

D. Legal description of licensed premise:

Lewis & Clark Marina
SW4 NW4, Section 17, 93N/56W
09.017.400.300

Have you ever been convicted of a felony? [ ] Yes [X] No

E. State Sales Tax Number: 1029-4331-ST

F. New license? ____ Transfer? ($150) ____ Re-issuance? X

G. CERTIFICATE: The undersigned applicant certifies under the penalties of perjury that all statements herein are true and correct; that the said applicant complies with all of the statutory requirements for the class of license being applied for and in addition agrees to permit agents of the Department of Revenue access to the licensed premises and records as provided in SDCL 35-2-2.1, and agrees this application shall constitute a contract between applicant and the State of South Dakota entitling the same or any peace officers to inspect the premises, books and records at any time for the purpose of enforcing the provisions of Title 35 SDCL, as amended.

Date 5/12/20 Print Name Chris Donlin Signature _____

H. APPROVAL OF LOCAL GOVERNING BODY- Notice of hearing was published _____. Public hearing on the application was held 5-19-20, not less than SEVEN (7) days after official publication. The governing body by majority vote recommends the approval and granting of this license and certifies that requirements as to location and suitability of premises and applicant have been reviewed and conform to the requirements of local and South Dakota law.

Renewal - no public hearing held ☐
Amount of fee collected with application $ 300.00
Amount of fee retained $ 150.00
Forwarded with application $ 150.00

For Local Government Use

(Seal) _____
Mayor or Chairman

If disapproved, endorse reason thereon and return to applicant

Transferred (State Use)

From _____

Sales tax approval _____ Date _____

STATE LIQUOR AUTHORITY: APPROVAL ____ **REVIEW** ____

Please complete reverse side

Date Received _____

Date Issued _____

2020-2021

License No. RB-2772

Uniform Alcoholic Beverage License Application

A. Owner Name and Mailing Address

JOSEPH D SYROVATKA
148 SUBSTATION DR
LESTERVILLE, SD 57040-5815

B. Business Name and Address

Lic # RB-2772
JOES SUBSTATION
148 SUBSTATION DR
LESTERVILLE, SD 57040-5815

Owner's Telephone# : (605) 364-7414

Business Telephone #: (605) 364-7414

C. Indicate the class of license being applied for (submit separate application for each class of license).

- [ ] Retail (on-sale) Liquor
- [ ] Retail (on-sale) Liquor - Restaurant
- [ ] Convention Center (on-sale) Liquor
- [ ] Package (off-sale) Liquor
- [ ] Retail (on-off sale) Wine and Cider
- [X] Retail (on-off sale) Malt Beverage & SD Farm Wine
- [ ] Package Delivery
- [ ] Hunting Preserve
- [ ] Other _____

Is this License in active use? [X] Yes [ ] No

Do you or any officers, directors, partners, or stockholders hold any other alcohol retail, manufacturing, or wholesaler licenses? [ ] Yes [X] No **If Yes, please list on the back page.**

Place of business is located in a municipality? [ ] Yes [X] No

County: Yankton

Do you own [X] or lease [ ] this property? (Check one)

Are real property taxes paid to date? [X] Yes [ ] No

D. Legal description of licensed premise:

Joe's Substation
Lt 1 Blk 2 Syrovatka's Addn
Section 4, 94N/57W
14.004.300.320

Have you ever been convicted of a felony? [ ] Yes [X] No

E. State Sales Tax Number: 1003-7149-ST

F. New license? ____ Transfer? ($150) ____ Re-issuance? X

G. CERTIFICATE: The undersigned applicant certifies under the penalties of perjury that all statements herein are true and correct; that the said applicant complies with all of the statutory requirements for the class of license being applied for and in addition agrees to permit agents of the Department of Revenue access to the licensed premises and records as provided in SDCL 35-2-2.1, and agrees this application shall constitute a contract between applicant and the State of South Dakota entitling the same or any peace officers to inspect the premises, books and records at any time for the purpose of enforcing the provisions of Title 35 SDCL, as amended.

Date 5-30-2020 Print Name Joseph D Syrovatka Signature Joseph D Syrovatka

H. APPROVAL OF LOCAL GOVERNING BODY- Notice of hearing was published — . Public hearing on the application was held 5-19-20, not less than SEVEN (7) days after official publication. The governing body by majority vote recommends the approval and granting of this license and certifies that requirements as to location and suitability of premises and applicant have been reviewed and conform to the requirements of local and South Dakota law.

Renewal - no public hearing held [ ]
Amount of fee collected with application $300.00
Amount of fee retained $ 150.00
Forwarded with application $ 150.00

For Local Government Use

(Seal) _____
Mayor or Chairman

If disapproved, endorse reason thereon and return to applicant

Transferred (State Use)

From _____

Sales tax approval _____ Date _____

STATE LIQUOR AUTHORITY: APPROVAL ____ **REVIEW** ____

Please complete reverse side

Date Received _____

Date Issued _____

2020-2021

License No. RB-3672

Uniform Alcoholic Beverage License Application

A. Owner Name and Mailing Address

JERRY FLEEGE & TERRY FLEEGE
44368 309TH ST
MISSION HILL, SD 57046-6405

B. Business Name and Address

Lic # RB-3672
FLEEG'S ROADHOUSE
44368 309TH ST
MISSION HILL, SD 57046-6405

Owner's Telephone# : (605) 665-9749

Business Telephone #: (605) 665-9749

C. Indicate the class of license being applied for (submit separate application for each class of license).

- [ ] Retail (on-sale) Liquor
- [ ] Retail (on-sale) Liquor - Restaurant
- [ ] Convention Center (on-sale) Liquor
- [ ] Package (off-sale) Liquor
- [ ] Retail (on-off sale) Wine and Cider
- [X] Retail (on-off sale) Malt Beverage & SD Farm Wine
- [ ] Package Delivery
- [ ] Hunting Preserve
- [ ] Other _____

Is this License in active use? [✓] Yes [ ] No

Do you or any officers, directors, partners, or stockholders hold any other alcohol retail, manufacturing, or wholesaler licenses? [ ] Yes [✓] No **If Yes, please list on the back page.**

Place of business is located in a municipality? [ ] Yes [X] No

County: Yankton

Do you own [✓] or lease [ ] this property? (Check one)

Are real property taxes paid to date? [✓] Yes [ ] No

D. Legal description of licensed premise:

Fleeg's Riverside Road House
S108' Outlot A Government Lot 2
Section 3, 93N/55W
05.003.100.140

Have you ever been convicted of a felony? [ ] Yes [✓] No

E. State Sales Tax Number: 1003-7320-ST

F. New license? ____ Transfer? ($150) ____ Re-issuance? X

G. CERTIFICATE: The undersigned applicant certifies under the penalties of perjury that all statements herein are true and correct; that the said applicant complies with all of the statutory requirements for the class of license being applied for and in addition agrees to permit agents of the Department of Revenue access to the licensed premises and records as provided in SDCL 35-2-2.1, and agrees this application shall constitute a contract between applicant and the State of South Dakota entitling the same or any peace officers to inspect the premises, books and records at any time for the purpose of enforcing the provisions of Title 35 SDCL, as amended.

Date 4-26-20 Print Name Jerry Fleege Signature _____

H. APPROVAL OF LOCAL GOVERNING BODY- Notice of hearing was published ____ . Public hearing on the application was held 5-19-20, not less than SEVEN (7) days after official publication. The governing body by majority vote recommends the approval and granting of this license and certifies that requirements as to location and suitability of premises and applicant have been reviewed and conform to the requirements of local and South Dakota law.

Renewal - no public hearing held ☐
Amount of fee collected with application $ 300.00
Amount of fee retained $ 150.00
Forwarded with application $ 150.00

For Local Government Use

(Seal) _____
Mayor or Chairman

If disapproved, endorse reason thereon and return to applicant

Transferred (State Use)

From _____

Sales tax approval _____ Date _____

STATE LIQUOR AUTHORITY: APPROVAL ____ **REVIEW** ____

Please complete reverse side

Date Received _____

Date Issued _____

2020-2021

License No. RB-3882

Uniform Alcoholic Beverage License Application

A. Owner Name and Mailing Address

SHIPWRECK INC

43504 W HIGHWAY52
YANKTON, SD 57078-6349

B. Business Name and Address

Lic # RB-3882
THE COTTONWOOD

43504 W HIGHWAY52
YANKTON, SD 57078-6349

Owner's Telephone# : _____

Business Telephone #: (605) 665-2390

C. Indicate the class of license being applied for (submit separate application for each class of license).

- [ ] Retail (on-sale) Liquor
- [ ] Retail (on-sale) Liquor - Restaurant
- [ ] Convention Center (on-sale) Liquor
- [ ] Package (off-sale) Liquor
- [ ] Retail (on-off sale) Wine and Cider
- [X] Retail (on-off sale) Malt Beverage & SD Farm Wine
- [ ] Package Delivery
- [ ] Hunting Preserve
- [ ] Other _____

Is this License in active use? [✓] Yes [ ] No

Do you or any officers, directors, partners, or stockholders hold any other alcohol retail, manufacturing, or wholesaler licenses? [ ] Yes [✓] No **If Yes, please list on the back page**

Place of business is located in a municipality? [ ] Yes [X] No

County: Yankton

Do you own [✓] or lease [ ] this property? (Check one)

Are real property taxes paid to date? [✓] Yes [ ] No

D. Legal description of licensed premise:

Shipwreck, Inc.
The Cottonwood
S260.8' Kusy Addn SW4 NW4
Section 17, 93N/56W
09.017.400.430

Have you ever been convicted of a felony? [ ] Yes [✓] No

E. State Sales Tax Number: 1018-8940 ST

F. New license? ____ Transfer? ($150) ____ Re-issuance? X

G. CERTIFICATE The undersigned applicant certifies under the penalties of perjury that all statements herein are true and correct; that the said applicant complies with all of the statutory requirements for the class of license being applied for and in addition agrees to permit agents of the Department of Revenue access to the licensed premises and records as provided in SDCL 35-2-2.1, and agrees this application shall constitute a contract between applicant and the State of South Dakota entitling the same or any peace officers to inspect the premises, books and records at any time for the purpose of enforcing the provisions of Title 35 SDCL, as amended.

Date 5-11-20 Print Name Pat Backman Signature Pat Backman

H. APPROVAL OF LOCAL GOVERNING BODY- Notice of hearing was published — . Public hearing on the application was held 5-19-20, not less than SEVEN (7) days after official publication. The governing body by majority vote recommends the approval and granting of this license and certifies that requirements as to location and suitability of premises and applicant have been reviewed and conform to the requirements of local and South Dakota law.

Renewal - no public hearing held ☐
Amount of fee collected with application $300.00
Amount of fee retained $ 150.00
Forwarded with application $ 150.00

For Local Government Use

(Seal) _____
Mayor or Chairman

Transferred (State Use)

From _____

Sales tax approval _____ Date _____

If disapproved, endorse reason thereon and return to applicant

STATE LIQUOR AUTHORITY: APPROVAL ____ **REVIEW** ____

Please complete reverse side

Date Received _____

Date Issued _____

2020-2021

License No. RB-2638

Uniform Alcoholic Beverage License Application

A. Owner Name and Mailing Address

PUMP N STUFF - RIVERSIDE LLC
3708 W 8TH ST
YANKTON, SD 57078-6370

B. Business Name and Address

Lic # RB-2638
PUMP N STUFF
3708 W 8TH ST
YANKTON, SD 57078-6370

Owner's Telephone#: (605) 326-5342

Business Telephone #: (605) 665-1631

C. Indicate the class of license being applied for (submit separate application for each class of license).

- [ ] Retail (on-sale) Liquor
- [ ] Retail (on-sale) Liquor - Restaurant
- [ ] Convention Center (on-sale) Liquor
- [ ] Package (off-sale) Liquor
- [ ] Retail (on-off sale) Wine and Cider
- [X] Retail (on-off sale) Malt Beverage & SD Farm Wine
- [ ] Package Delivery
- [ ] Hunting Preserve
- [ ] Other _____

Is this License in active use? [✓] Yes [ ] No

Do you or any officers, directors, partners, or stockholders hold any other alcohol retail, manufacturing, or wholesaler licenses? [✓] Yes [ ] No **If Yes, please list on the back page**

Place of business is located in a municipality? [ ] Yes [X] No

County: Yankton

Do you own [✓] or lease [ ] this property? (Check one)

Are real property taxes paid to date? [✓] Yes [ ] No

D. Legal description of licensed premise:

Pump N Stuff
W220' S943' N2 W2 W2
NW4 Less Lt H-2
Section 15, 93N/56W
09.015.400.416

Have you ever been convicted of a felony? [ ] Yes [✓] No

E. State Sales Tax Number: 1017-5430-ST

F. New license? ____ Transfer? ($150) ____ Re-issuance? X

G. CERTIFICATE: The undersigned applicant certifies under the penalties of perjury that all statements herein are true and correct; that the said applicant complies with all of the statutory requirements for the class of license being applied for and in addition agrees to permit agents of the Department of Revenue access to the licensed premises and records as provided in SDCL 35-2-2.1, and agrees this application shall constitute a contract between applicant and the State of South Dakota entitling the same or any peace officers to inspect the premises, books and records at any time for the purpose of enforcing the provisions of Title 35 SDCL, as amended.

Date 5-7-2020 Print Name David Lockwood Signature _____

H. APPROVAL OF LOCAL GOVERNING BODY- Notice of hearing was published _____. Public hearing on the application was held 5-19-20, not less than SEVEN (7) days after official publication. The governing body by majority vote recommends the approval and granting of this license and certifies that requirements as to location and suitability of premises and applicant have been reviewed and conform to the requirements of local and South Dakota law.

Renewal - no public hearing held ☐
Amount of fee collected with application $300.00
Amount of fee retained $150.00
Forwarded with application $150.00

For Local Government Use

(Seal) _____
Mayor or Chairman

If disapproved, endorse reason thereon and return to applicant

Transferred (State Use)

From _____

Sales tax approval _____ Date _____

STATE LIQUOR AUTHORITY: APPROVAL ____ **REVIEW** ____

Please complete reverse side

Date Received _____

Date Issued _____

2020-2021

License No. RB-3024

Uniform Alcoholic Beverage License Application

A. Owner Name and Mailing Address

GERSTNER OIL CO INC

PO BOX 59
YANKTON, SD 57078-0059

B. Business Name and Address

Lic # RB-3024
GERSTNER OIL CO

3004 E HIGHWAY50
YANKTON, SD 57078-6521

Owner's Telephone# : (605) 665-1126

Business Telephone #: (605) 665-5568

C. Indicate the class of license being applied for (submit separate application for each class of license).

- [ ] Retail (on-sale) Liquor
- [ ] Retail (on-sale) Liquor - Restaurant
- [ ] Convention Center (on-sale) Liquor
- [ ] Package (off-sale) Liquor
- [ ] Retail (on-off sale) Wine and Cider
- [X] Retail (on-off sale) Malt Beverage & SD Farm Wine
- [ ] Package Delivery
- [ ] Hunting Preserve
- [ ] Other _____

Is this License in active use? [✓] Yes [ ] No

Do you or any officers, directors, partners, or stockholders hold any other alcohol retail, manufacturing, or wholesaler licenses? [ ] Yes [ ] No **If Yes, please list on the back page.**

Place of business is located in a municipality? [ ] Yes [X] No

County: Yankton

Do you own [✓] or lease [ ] this property? (Check one)

Are real property taxes paid to date? [✓] Yes [ ] No

D. Legal description of licensed premise:

Gerstner Oil Co.
Lt A SE4, Section 9, 93N/55W
05.009.200.360

Have you ever been convicted of a felony? [ ] Yes [✓] No

E. State Sales Tax Number: 1015-0200-ST

F. New license? ____ Transfer? ($150) ____ Re-issuance? X

G. CERTIFICATE: The undersigned applicant certifies under the penalties of perjury that all statements herein are true and correct; that the said applicant complies with all of the statutory requirements for the class of license being applied for and in addition agrees to permit agents of the Department of Revenue access to the licensed premises and records as provided in SDCL 35-2-2.1, and agrees this application shall constitute a contract between applicant and the State of South Dakota entitling the same or any peace officers to inspect the premises, books and records at any time for the purpose of enforcing the provisions of Title 35 SDCL, as amended.

Date 4-27-20 Print Name Rudy GERSTNER Signature Rudy Gerstner

H. APPROVAL OF LOCAL GOVERNING BODY- Notice of hearing was published _____. Public hearing on the application was held 5-19-20, not less than SEVEN (7) days after official publication. The governing body by majority vote recommends the approval and granting of this license and certifies that requirements as to location and suitability of premises and applicant have been reviewed and conform to the requirements of local and South Dakota law.

Renewal - no public hearing held ☐
Amount of fee collected with application $300.00
Amount of fee retained $150.00
Forwarded with application $150.00

For Local Government Use

(Seal) _____
Mayor or Chairman

If disapproved, endorse reason thereon and return to applicant

Transferred (State Use)

From _____

Sales tax approval _____ Date _____

STATE LIQUOR AUTHORITY: APPROVAL ____ **REVIEW** ____

Please complete reverse side

Date Received _____

Date Issued _____

2020-2021

License No. RB-3404

Uniform Alcoholic Beverage License Application

A. Owner Name and Mailing Address

SAT ENTERPRISES LLC
3703 W 8TH ST
YANKTON, SD 57078

B. Business Name and Address

Lic # RB-3404
TJS MINI MART
3703 W 8TH ST
YANKTON, SD 57078

Owner's Telephone# : (402) 841-4475

Business Telephone #: (605) 665-5070

C. Indicate the class of license being applied for (submit separate application for each class of license).

- [ ] Retail (on-sale) Liquor
- [ ] Retail (on-sale) Liquor - Restaurant
- [ ] Convention Center (on-sale) Liquor
- [ ] Package (off-sale) Liquor
- [ ] Retail (on-off sale) Wine and Cider
- [X] Retail (on-off sale) Malt Beverage & SD Farm Wine
- [ ] Package Delivery
- [ ] Hunting Preserve
- [ ] Other _____

Is this License in active use? [X] Yes [ ] No

Do you or any officers, directors, partners, or stockholders hold any other alcohol retail, manufacturing, or wholesaler licenses? [X] Yes [ ] No **If Yes, please list on the back page** RL-6093

Place of business is located in a municipality? [ ] Yes [X] No

County: Yankton

Do you own [X] or lease [ ] this property? (Check one)

Are real property taxes paid to date? [X] Yes [ ] No

D. Legal description of licensed premise:

TJ's Mini Mart
E150' W200' Exc S942.85'
SW1/4 NW1/4
Section 15, 93N/56W
09.015.400.505

Have you ever been convicted of a felony? [ ] Yes [X] No

E. State Sales Tax Number: 1028-5217-ST

F. New license? ____ Transfer? ($150) ____ Re-issuance? X

G. CERTIFICATE: The undersigned applicant certifies under the penalties of perjury that all statements herein are true and correct; that the said applicant complies with all of the statutory requirements for the class of license being applied for and in addition agrees to permit agents of the Department of Revenue access to the licensed premises and records as provided in SDCL 35-2-2.1, and agrees this application shall constitute a contract between applicant and the State of South Dakota entitling the same or any peace officers to inspect the premises, books and records at any time for the purpose of enforcing the provisions of Title 35 SDCL, as amended.

Date 5/5/20 Print Name Tom Noeckar Signature _____

H. APPROVAL OF LOCAL GOVERNING BODY- Notice of hearing was published _____. Public hearing on the application was held 5-19-20, not less than SEVEN (7) days after official publication. The governing body by majority vote recommends the approval and granting of this license and certifies that requirements as to location and suitability of premises and applicant have been reviewed and conform to the requirements of local and South Dakota law.

Renewal - no public hearing held ☐
Amount of fee collected with application $ 300.00
Amount of fee retained $ 150.00
Forwarded with application $ 150.00

For Local Government Use

(Seal) _____
Mayor or Chairman

If disapproved, endorse reason thereon and return to applicant

Transferred (State Use)

From _____

Sales tax approval _____ Date _____

STATE LIQUOR AUTHORITY: APPROVAL ____ **REVIEW** ____

Please complete reverse side

Date Received _____

Date Issued _____

2020-2021

License No. RB-25280

Uniform Alcoholic Beverage License Application

A. Owner Name and Mailing Address

CAPTAIN NORMS LLC
43592 SD HIGHWAY52
YANKTON, SD 57078-6349

B. Business Name and Address

Lic # RB-25280
CAPTAIN NORMS
43592 SD HIGHWAY52
YANKTON, SD 57078-6349

Owner's Telephone#: (605) 661-0054

Business Telephone #: (605) 665-4271

C. Indicate the class of license being applied for (submit separate application for each class of license).

- [ ] Retail (on-sale) Liquor
- [ ] Retail (on-sale) Liquor - Restaurant
- [ ] Convention Center (on-sale) Liquor
- [ ] Package (off-sale) Liquor
- [ ] Retail (on-off sale) Wine and Cider
- [X] Retail (on-off sale) Malt Beverage & SD Farm Wine
- [ ] Package Delivery
- [ ] Hunting Preserve
- [ ] Other _____

Is this License in active use? [X] Yes [ ] No

Do you or any officers, directors, partners, or stockholders hold any other alcohol retail, manufacturing, or wholesaler licenses? [X] Yes [ ] No **If Yes, please list on the back page**

Place of business is located in a municipality? [ ] Yes [X] No

County: Yankton

Do you own [X] or lease [ ] this property? (Check one)

Are real property taxes paid to date? [X] Yes [ ] No

D. Legal description of licensed premise:

Captain Norm's
Parcel C Exc Lot H-1 and E 15' Parcel D
and Exc N370' and S290' W35' E50'
Parcel D, Section 17, 93N/56W
09.017.100.135

Have you ever been convicted of a felony? [ ] Yes [X] No

E. State Sales Tax Number: 1020-9777-ST

F. New license? ____ Transfer? ($150) ____ Re-issuance? X

G. CERTIFICATE The undersigned applicant certifies under the penalties of perjury that all statements herein are true and correct; that the said applicant complies with all of the statutory requirements for the class of license being applied for and in addition agrees to permit agents of the Department of Revenue access to the licensed premises and records as provided in SDCL 35-2-2.1, and agrees this application shall constitute a contract between applicant and the State of South Dakota entitling the same or any peace officers to inspect the premises, books and records at any time for the purpose of enforcing the provisions of Title 35 SDCL, as amended.

Date 5/11/20 Print Name Lisa JB Daugherty Signature Lisa M.B Daugherty

H. APPROVAL OF LOCAL GOVERNING BODY- Notice of hearing was published ____ . Public hearing on the application was held 5-19-20, not less than SEVEN (7) days after official publication. The governing body by majority vote recommends the approval and granting of this license and certifies that requirements as to location and suitability of premises and applicant have been reviewed and conform to the requirements of local and South Dakota law.

Renewal - no public hearing held ☐
Amount of fee collected with application $300.00
Amount of fee retained $150.00
Forwarded with application $150.00

For Local Government Use

(Seal) _____
Mayor or Chairman

If disapproved, endorse reason thereon and return to applicant

Transferred (State Use)

From _____

Sales tax approval _____ Date _____

STATE LIQUOR AUTHORITY: APPROVAL ____ **REVIEW** ____

Please complete reverse side

Date Received _____

Date Issued _____

2020-2021

License No. RB-25281

Uniform Alcoholic Beverage License Application

A. Owner Name and Mailing Address

KOZY'S LLC
43451 SD HIGHWAY50
YANKTON, SD 57078-6704

B. Business Name and Address

Lic # RB-25281
KOZY'S BAR
43451 SD HIGHWAY50
YANKTON, SD 57078-6704

Owner's Telephone# : (605) 350-0207

Business Telephone #: (605) 350-0207

C. Indicate the class of license being applied for (submit separate application for each class of license).

- [ ] Retail (on-sale) Liquor
- [ ] Retail (on-sale) Liquor - Restaurant
- [ ] Convention Center (on-sale) Liquor
- [ ] Package (off-sale) Liquor
- [ ] Retail (on-off sale) Wine and Cider
- [X] Retail (on-off sale) Malt Beverage & SD Farm Wine
- [ ] Package Delivery
- [ ] Hunting Preserve
- [ ] Other _____

Is this License in active use? [X] Yes [ ] No

Do you or any officers, directors, partners, or stockholders hold any other alcohol retail, manufacturing, or wholesaler licenses? [ ] Yes [ ] No **If Yes, please list on the back page.**

Place of business is located in a municipality? [ ] Yes [X] No

County: Yankton

Do you own [X] or lease [ ] this property? (Check one)

Are real property taxes paid to date? [X] Yes [ ] No

D. Legal description of licensed premise:

Kozy Inn Bar
Kozak Lot 1A, NW 4 NE 4
Section 6, 93N/56W
09.006.100.410

Have you ever been convicted of a felony? [ ] Yes [X] No

E. State Sales Tax Number: 1032-0266-ST

F. New license? ____ Transfer? ($150) ____ Re-issuance? X

G. CERTIFICATE: The undersigned applicant certifies under the penalties of perjury that all statements herein are true and correct; that the said applicant complies with all of the statutory requirements for the class of license being applied for and in addition agrees to permit agents of the Department of Revenue access to the licensed premises and records as provided in SDCL 35-2-2.1, and agrees this application shall constitute a contract between applicant and the State of South Dakota entitling the same or any peace officers to inspect the premises, books and records at any time for the purpose of enforcing the provisions of Title 35 SDCL, as amended.

Date 5-6-2020 Print Name Kristen Kozak Signature Kristen Kozak

H. APPROVAL OF LOCAL GOVERNING BODY- Notice of hearing was published ____ . Public hearing on the application was held 5-19-20, not less than SEVEN (7) days after official publication. The governing body by majority vote recommends the approval and granting of this license and certifies that requirements as to location and suitability of premises and applicant have been reviewed and conform to the requirements of local and South Dakota law.

Renewal - no public hearing held [ ]
Amount of fee collected with application $300.00
Amount of fee retained $ 150.00
Forwarded with application $ 150.00

For Local Government Use

(Seal) _____
Mayor or Chairman

If disapproved, endorse reason thereon and return to applicant

Transferred (State Use)

From _____

Sales tax approval _____ Date _____

STATE LIQUOR AUTHORITY: APPROVAL ____ **REVIEW** ____

Please complete reverse side

Date Received _____

Date Issued _____

2020-2021

License No. RB-25277

Uniform Alcoholic Beverage License Application

A. Owner Name and Mailing Address

6TH MERIDIAN, LLC

4200 ALPHONSE RD
YANKTON, SD 57078

B. Business Name and Address

Lic # RB-25277
6TH MERIDIAN

4200 ALPHONSE RD
YANKTON, SD 57078

Owner's Telephone#: (605) 760-9084

Business Telephone #: (605) 760-9084

C. Indicate the class of license being applied for (submit separate application for each class of license).

- [ ] Retail (on-sale) Liquor
- [ ] Retail (on-sale) Liquor - Restaurant
- [ ] Convention Center (on-sale) Liquor
- [ ] Package (off-sale) Liquor
- [ ] Retail (on-off sale) Wine and Cider
- [X] Retail (on-off sale) Malt Beverage & SD Farm Wine
- [ ] Package Delivery
- [ ] Hunting Preserve
- [ ] Other _____

Is this License in active use? [✓] Yes [ ] No

Do you or any officers, directors, partners, or stockholders hold any other alcohol retail, manufacturing, or wholesaler licenses? [ ] Yes [✓] No **If Yes, please list on the back page.**

Place of business is located in a municipality? [ ] Yes [X] No

County: Yankton

Do you own [✓] or lease [ ] this property? (Check one)

Are real property taxes paid to date? [✓] Yes [ ] No

D. Legal description of licensed premise:

6th Meridian, LLC
NW4, SE4 & NE4, SW4,
Section 16, 93N/56W
09.016.200.400

Have you ever been convicted of a felony? [ ] Yes [✓] No

E. State Sales Tax Number: 1030-7638-ST

F. New license? ____ Transfer? ($150) ____ Re-issuance? X

G. CERTIFICATE: The undersigned applicant certifies under the penalties of perjury that all statements herein are true and correct; that the said applicant complies with all of the statutory requirements for the class of license being applied for and in addition agrees to permit agents of the Department of Revenue access to the licensed premises and records as provided in SDCL 35-2-2.1, and agrees this application shall constitute a contract between applicant and the State of South Dakota entitling the same or any peace officers to inspect the premises, books and records at any time for the purpose of enforcing the provisions of Title 35 SDCL, as amended.

Date 5-11-20 Print Name Michelle Donner Signature _____

H. APPROVAL OF LOCAL GOVERNING BODY- Notice of hearing was published _____. Public hearing on the application was held 5-19-20, not less than SEVEN (7) days after official publication. The governing body by majority vote recommends the approval and granting of this license and certifies that requirements as to location and suitability of premises and applicant have been reviewed and conform to the requirements of local and South Dakota law.

Renewal - no public hearing held ☐
Amount of fee collected with application $300.00
Amount of fee retained $150.00
Forwarded with application $150.00

For Local Government Use

(Seal) _____
Mayor or Chairman

If disapproved, endorse reason thereon and return to applicant

Transferred (State Use)

From _____

Sales tax approval _____ Date _____

STATE LIQUOR AUTHORITY: APPROVAL ____ **REVIEW** ____

Please complete reverse side

Date Received _____

Date Issued _____

2020-2021

License No. RB-25279

Uniform Alcoholic Beverage License Application

A. Owner Name and Mailing Address

LEWIS & CLARK MEAT LODGE, LLC

3505 N CLIFF AVE
SIOUX FALLS, SD 57104-0866

B. Business Name and Address

Lic # RB-25279
LEWIS & CLARK MEAT LODGE, LLC

801 MARINER LN
YANKTON, SD 57078-6849

Owner's Telephone# : _____

Business Telephone #: (605) 274-6562

C. Indicate the class of license being applied for (submit separate application for each class of license).

- [ ] Retail (on-sale) Liquor
- [ ] Retail (on-sale) Liquor - Restaurant
- [ ] Convention Center (on-sale) Liquor
- [ ] Package (off-sale) Liquor
- [ ] Retail (on-off sale) Wine and Cider
- [X] Retail (on-off sale) Malt Beverage & SD Farm Wine
- [ ] Package Delivery
- [ ] Hunting Preserve
- [ ] Other _____

Is this License in active use? [X] Yes [ ] No

Do you or any officers, directors, partners, or stockholders hold any other alcohol retail, manufacturing, or wholesaler licenses? [X] Yes [ ] No **If Yes, please list on the back page.** Meat Lodge Sioux Falls

Place of business is located in a municipality? [ ] Yes [X] No

County: Yankton

Do you own [X] or lease [ ] this property? (Check one)

Are real property taxes paid to date? [X] Yes [ ] No

D. Legal description of licensed premise:

Lewis & Clark Meat Lodge, LLC
Lots 7 & 8, Lewis & Clark Bus. Ctr.,
Section 16, 93N/56W
09.016.100.157

Have you ever been convicted of a felony? [ ] Yes [X] No

E. State Sales Tax Number: 1026-7500-ST

F. New license? ____ Transfer? ($150) ____ Re-issuance? X

G. CERTIFICATE: The undersigned applicant certifies under the penalties of perjury that all statements herein are true and correct; that the said applicant complies with all of the statutory requirements for the class of license being applied for and in addition agrees to permit agents of the Department of Revenue access to the licensed premises and records as provided in SDCL 35-2-2.1, and agrees this application shall constitute a contract between applicant and the State of South Dakota entitling the same or any peace officers to inspect the premises, books and records at any time for the purpose of enforcing the provisions of Title 35 SDCL, as amended.

Date 5/13/20 Print Name Bert Bickley Signature Bert Bickley

H. APPROVAL OF LOCAL GOVERNING BODY- Notice of hearing was published ____. Public hearing on the application was held 5-19-20, not less than SEVEN (7) days after official publication. The governing body by majority vote recommends the approval and granting of this license and certifies that requirements as to location and suitability of premises and applicant have been reviewed and conform to the requirements of local and South Dakota law.

Renewal - no public hearing held ☐
Amount of fee collected with application $ 300.00
Amount of fee retained $ 150.00
Forwarded with application $ 150.00

For Local Government Use

(Seal) _____
Mayor or Chairman

If disapproved, endorse reason thereon and return to applicant

Transferred (State Use)

From _____

Sales tax approval _____ Date _____

STATE LIQUOR AUTHORITY: APPROVAL ____ **REVIEW** ____

Please complete reverse side

Date Received _____ License No. RB-2845

Date Issued _____

2020-2021

Uniform Alcoholic Beverage License Application

A. Owner Name and Mailing Address

YANKTON TRUCK STOP INC
30649 US HIGHWAY 81
YANKTON, SD 57078

B. Business Name and Address

Lic # RB-2845
DOUBLE T TRUCK STOP
30649 US HIGHWAY 81
YANKTON, SD 57078

Owner's Telephone# (605) 665-4546

Business Telephone # (605) 665-9650

C. Indicate the class of license being applied for (submit separate application for each class of license):

- [ ] Retail (on-sale) Liquor
- [ ] Retail (on-sale) Liquor - Restaurant
- [ ] Convention Center (on-sale) Liquor
- [ ] Package (off-sale) Liquor
- [ ] Retail (on-off sale) Wine and Cider
- [X] Retail (on-off sale) Malt Beverage & SD Farm Wine
- [ ] Package Delivery
- [ ] Hunting Preserve
- [ ] Other _____

Is this License in active use? [X] Yes [ ] No

Do you or any officers, directors, partners, or stockholders hold any other alcohol retail, manufacturing, or wholesaler licenses? [ ] Yes [X] No If Yes, please list on the back page

Place of business is located in a municipality? [ ] Yes [X] No

County: Yankton

Do you own [X] or lease [ ] this property? (Check one)

Are real property taxes paid to date? [X] Yes [ ] No

D. Legal description of licensed premise:

Double T Truck Stop
N300' S480' N684' W300' E400' SE4
Section 24, 94N/56W
10.024.200.130

Have you ever been convicted of a felony? [ ] Yes [X] No

E. State Sales Tax Number: 1030-2302-ST

F. New license? ____ Transfer? ($150) ____ Re-issuance? X

G. CERTIFICATE: The undersigned applicant certifies under the penalties of perjury that all statements herein are true and correct; that the said applicant complies with all of the statutory requirements for the class of license being applied for and in addition agrees to permit agents of the Department of Revenue access to the licensed premises and records as provided in SDCL 35-2-2.1, and agrees this application shall constitute a contract between applicant and the State of South Dakota entitling the same or any peace officers to inspect the premises, books and records at any time for the purpose of enforcing the provisions of Title 35 SDCL, as amended.

Date 4-29-2020 Print Name Donna Peterson Signature Donna Peterson Sec.

H. APPROVAL OF LOCAL GOVERNING BODY: Notice of hearing was published _____. Public hearing on the application was held 5-12-20 not less than SEVEN (7) days after official publication. The governing body by majority vote recommends the approval and granting of this license and certifies that requirements as to location and suitability of premises and applicant have been reviewed and conform to the requirements of local and South Dakota law.

Renewal - no public hearing held [ ]

Amount of fee collected with application: $ 3,000.00

Amount of fee retained: $ 150.00

Forwarded with application: $ 2850.00

For Local Government Use

(Seal) _____ Mayor or Chairman

Transferred (State Use)

From _____

Sales tax approval _____ Date _____

If disapproved, endorse reason thereon and return to applicant. STATE LIQUOR AUTHORITY APPROVAL _____ REVIEW _____

Please complete reverse side

Form No. YC 200

APPLICATION FOR OCCUPANCY
ON
RIGHT-OF-WAY OF COUNTY HIGHWAYS

TO: The Board of County Commissioners of Yankton County, Yankton, South Dakota
Application is made by LaCroix Construction Excavating occupancy of County Highway Number: Deer Blvd in Section: 15 Township: 93 Range: 56 in Yankton County, South Dakota.

A sketch showing location is attached.
All hard-surfaced roads shall be bored from toe of in slope to toe of in slope.
Minimum depth of cable shall be five (5) feet, three (3) feet in ditch bottom.
Exceptions shall be obtained in writing from the Highway Superintendent or the Chairman of the Board of County Commissioners.

The following information is pertinent to the proposed installation:

1. Intended usage: Water service line for BY Water
2. Cable size and type 2" Yellowmine
3. Method of installation: Boring

AGREEMENTS:

The applicant agrees that the following stipulations shall govern under this permit.

1. The applicant will at any time subsequent to placing the cable, pipe line, or tile line, and at his own expense, relay, re-construct or encase any lines as may become necessary to conform to new grades, alignments or widening right-of-way resulting from maintenance or construction operations by the Board of County Commissioners irrespective of whether or not additional right-of-way is acquired in connection with such highway improvement. The applicant agrees to do this promptly on order of the Board of Commissioners and without cost to the County. If the applicant is unable to comply promptly, the Board of County Commissioners may cause the work to be done and the applicant will pay the cost thereof, upon receipt of statement.

2. The County and the Board of County Commissioners assume no responsibility for damages to the applicant's property occasioned by any construction of maintenance operations on said highways including new or additional right-of-way acquired in connection therewith, subsequent to the building of the said pipe line, conduit or tile line.

3. The applicant shall take all reasonable precautions during the construction of said cable, pipeline, or tile line to protect and safeguard the lives and property of the traveling public and adjacent property owners and shall save the County and the County Board of Commissioners harmless of any damage or losses that may be sustained by the traveling public or adjacent property owners on account of such construction operations.

4. Operations in the construction and maintenance of said cable, pipe line, or tile line shall be carried on in such a manner as not to interfere with, or interrupt traffic on said highway.

Form No. YC200 (cont'd)

5. The applicant shall hold the County and Board of County Commissioners harmless from any damage that may result to said highway because of the construction or maintenance of said cable, pipeline, tile line, and shall reimburse the County of the County Board of Commissioners for any expenditures that the County or the County Board of Commissioners may have to make on said highway due to applicant's cable, pipe line, or tile line having been constructed thereon.

6. This permit is subject to any laws now in effect or any laws which may be hereafter enacted.

7. This application is subject to all the rules and regulations of the County Board of Commissioners and to relocation by the Board of Commissioners at any time, when in the judgment of the Board it is necessary in the improvement of maintenance of the highway or for other reasonable cause. And in such event the applicant hereby agrees to remove all applicants' property from said right-of-way without delay and without cost to the County.

Right of Way Fee: $150.00 Paid: X Check # 16380

Submitted: By:

Recommended for Approval

Mike Sedlacek
County Highway Superintendent

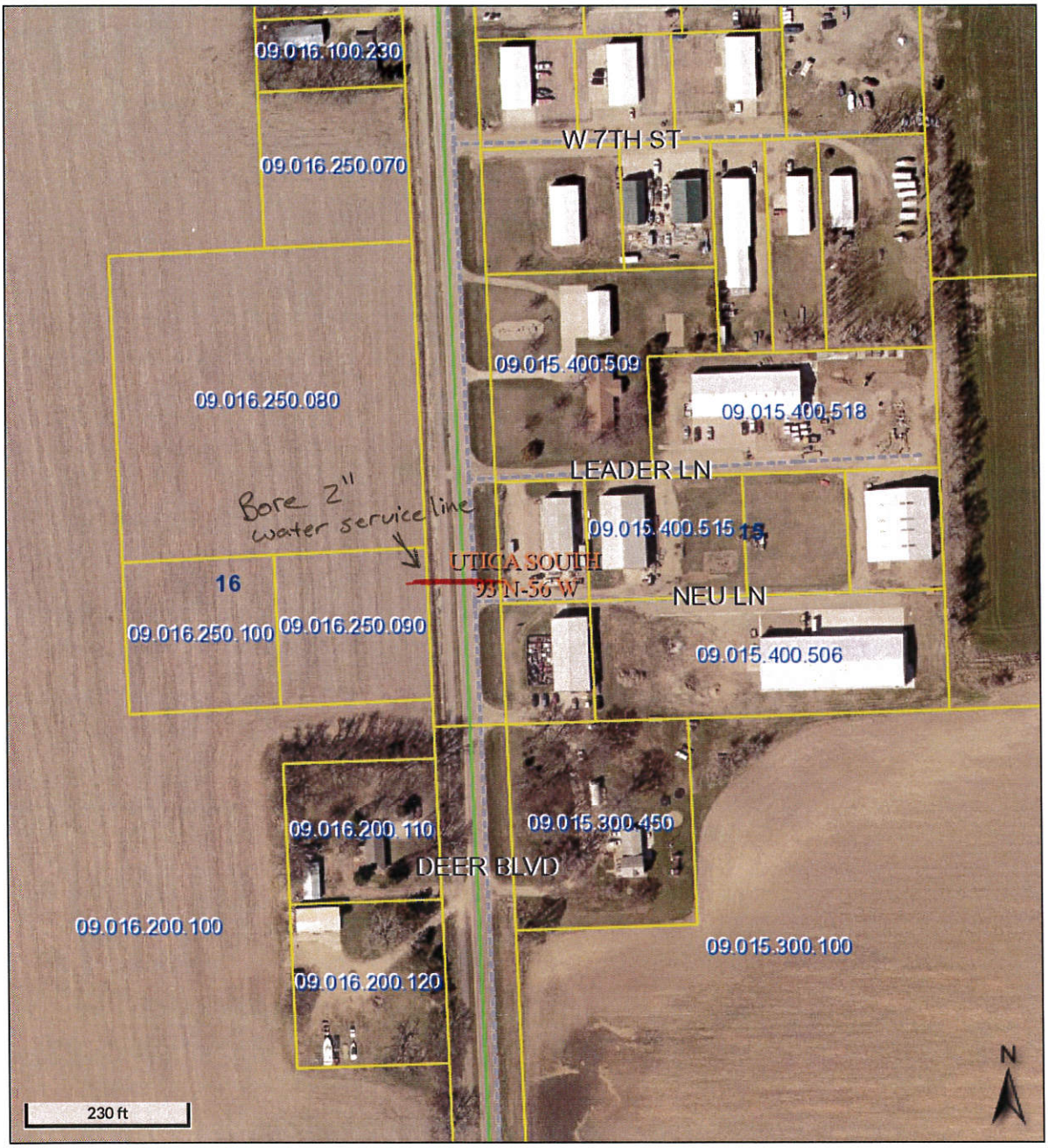
X Applicant Signature

Chairman
Board of County Commissioners
Yankton, South Dakota

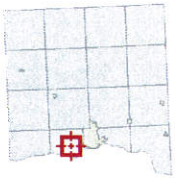
Zoning Signature

Cable Company Job Number: _____

Beacon™ Yankton County, SD



Overview



Legend

- Townships
- Sections
- Parcels
- City Limits
- Streets and Roads

Disclaimer: Yankton County digital cadastral data are a representation of recorded plats and surveys for use within the Geographic Information System for purposes of data access and analysis. These and other digital data do not replace or modify land surveys, deeds, and/or other legal instruments defining land ownership or use.

Date created: 5/13/2020
Last Data Uploaded: 5/12/2020 11:50:51 PM

Developed by Schneider GEOSPATIAL

YANKTON COUNTY WEED DEPARTMENT
3302 W City Limits Road • Yankton, SD 57078
Ph: 605-260-4473 • Fax: 605-260-4492

Yankton County Mosquito Abatement Program
Joint Cooperative Agreement
Renewal – 2020

Whereas, it is in the best interests of the County of Yankton, South Dakota (hereafter referred to as the "County") to participate in a joint effort with the City of Mission Hill, and as yet unspecified incorporated Townships in the County of Yankton, South Dakota for the development and operation of the Yankton County Mosquito Abatement Program (hereafter referred to as YCMAP); and

Whereas, the undersigned parties, in their official capacities, have read and reviewed the agreement and desire to be bound according to its terms and according to the laws of the State of South Dakota for the 2020 Mosquito Season.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENENTS CONTAINED HEREIN, AND EACH OF THE PARTIES INTENDING TO BE BOUND HEREBY, IT IS AGREED AS FOLLOWS:

1. Yankton County through its designated coordinator of the YCMAP (hereinafter referred to as the "Coordinator") shall coordinate and administer application of appropriate pesticides or other means necessary to abate mosquitoes.

2. Said Coordinator for the 2020 Mosquito Season is identified as the Supervisor of the Yankton County Weed and Pest Board.

3. Requests for each application(s) of pesticides shall be made to the coordinator who shall determine the appropriate times and amounts for application(s).

4. Application(s) of fogging pesticide shall be based upon the mosquito counts obtained from surveillance and monitoring by the City and Coordinator.

    a. It is hereby agreed by and between the County and the City of Mission Hill that the County will maintain mosquito control. The City of Mission Hill will be invoiced for these additional services at the current applicable rate of $60.00 per hour plus chemical.

    b. The coordinator shall provide notice to the Undersigned Township, City or Town representative and/or his/her designee of the Coordinator's intention to make an application(s) of fogging pesticides.

YANKTON COUNTY WEED DEPARTMENT

3302 W City Limits Road • Yankton, SD 57078
Ph: 605-260-4473 • Fax: 605-260-4492

5. Application(s) shall include any treatment of property, public or private, within the borders of Yankton County and the organized community using pesticides or other appropriate chemicals through the use of fogging, spraying or other appropriate equipment owned by the County or operated on its behalf.

7. The Undersigned Township, City or Town shall agree to make payment for said application upon receipt of invoice at the conclusion of the 2020 mosquito season.

The contact person for the Undersigned Township, City or Town shall be responsible for providing press releases to local media describing the approximate times and locations for upcoming applications.

DATED this 20th day of April, 2020.

Attest:

Board President

Finance Officer

For the City of Missich Hill

DATED this _____ day of _____, 2020.

Sign Here

Attest: _____

Sign Here

Cheri Loest, Chairman

Yankton County Board of Commissioners

Patty Hojem, Auditor

Yankton County

YANKTON COUNTY WEED DEPARTMENT
3302 W City Limits Road • Yankton, SD 57078
Ph: 605-260-4473 • Fax: 605-260-4492

Yankton County Mosquito Abatement Program
Joint Cooperative Agreement
Renewal – 2020

Whereas, it is in the best interests of the County of Yankton, South Dakota (hereafter referred to as the "County") to participate in a joint effort with the City of Gayville, and as yet unspecified incorporated Townships in the County of Yankton, South Dakota for the development and operation of the Yankton County Mosquito Abatement Program (hereafter referred to as YCMAP); and

Whereas, the undersigned parties, in their official capacities, have read and reviewed the agreement and desire to be bound according to its terms and according to the laws of the State of South Dakota for the 2020 Mosquito Season.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENENTS CONTAINED HEREIN, AND EACH OF THE PARTIES INTENDING TO BE BOUND HEREBY, IT IS AGREED AS FOLLOWS:

1. Yankton County through its designated coordinator of the YCMAP (hereinafter referred to as the "Coordinator") shall coordinate and administer application of appropriate pesticides or other means necessary to abate mosquitoes.

2. Said Coordinator for the 2020 Mosquito Season is identified as the Supervisor of the Yankton County Weed and Pest Board.

3. Requests for each application(s) of pesticides shall be made to the coordinator who shall determine the appropriate times and amounts for application(s).

4. Application(s) of fogging pesticide shall be based upon the mosquito counts obtained from surveillance and monitoring by the City and Coordinator.

   a. It is hereby agreed by and between the County and the City of Gayville, that the County will maintain mosquito control. The City of Gayville will be invoiced for these additional services at the current applicable rate of $60.00 per hour plus chemical.

   b. The coordinator shall provide notice to the Undersigned Township, City or Town representative and/or his/her designee of the Coordinator's intention to make an application(s) of fogging pesticides.

YANKTON COUNTY WEED DEPARTMENT

3302 W City Limits Road • Yankton, SD 57078

Ph: 605-260-4473 • Fax: 605-260-4492

5. Application(s) shall include any treatment of property, public or private, within the borders of Yankton County and the organized community using pesticides or other appropriate chemicals through the use of fogging, spraying or other appropriate equipment owned by the County or operated on its behalf.

7. The Undersigned Township, City or Town shall agree to make payment for said application upon receipt of invoice at the conclusion of the 2020 mosquito season.

The contact person for the Undersigned Township, City or Town shall be responsible for providing press releases to local media describing the approximate times and locations for upcoming applications.

DATED this 6th day of April, 2020.

_____ Attest: _____

For the City of Gayville

DATED this _____ day of _____, 2020.

Sign Here

Sign Here

_____ Attest: _____

Cheri Loest, Chairman

Yankton County Board of Commissioners

Patty Hojem, Auditor

Yankton County

YANKTON COUNTY WEED DEPARTMENT

3302 W City Limits Road • Yankton, SD 57078
Ph: 605-260-4473 • Fax: 605-260-4492

Yankton County Mosquito Abatement Program
Joint Cooperative Agreement
Renewal – 2020

Whereas, it is in the best interests of the County of Yankton, South Dakota (hereafter referred to as the "County") to participate in a joint effort with the City of Lesterville, and as yet unspecified incorporated Townships in the County of Yankton, South Dakota for the development and operation of the Yankton County Mosquito Abatement Program (hereafter referred to as YCMAP); and

Whereas, the undersigned parties, in their official capacities, have read and reviewed the agreement and desire to be bound according to its terms and according to the laws of the State of South Dakota for the 2020 Mosquito Season.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENENTS CONTAINED HEREIN, AND EACH OF THE PARTIES INTENDING TO BE BOUND HEREBY, IT IS AGREED AS FOLLOWS:

1. Yankton County through its designated coordinator of the YCMAP (hereinafter referred to as the "Coordinator") shall coordinate and administer application of appropriate pesticides or other means necessary to abate mosquitoes.

2. Said Coordinator for the 2020 Mosquito Season is identified as the Supervisor of the Yankton County Weed and Pest Board.

3. Requests for each application(s) of pesticides shall be made to the coordinator who shall determine the appropriate times and amounts for application(s).

4. Application(s) of fogging pesticide shall be based upon the mosquito counts obtained from surveillance and monitoring by the City and Coordinator.

   a. It is hereby agreed by and between the County and the City of Lesterville that the County will maintain mosquito control. The City of Lesterville will be invoiced for these additional services at the current applicable rate of $60.00 per hour plus chemical.

   b. The coordinator shall provide notice to the Undersigned Township, City or Town representative and/or his/her designee of the Coordinator's intention to make an application(s) of fogging pesticides.

YANKTON COUNTY WEED DEPARTMENT
3302 W City Limits Road • Yankton, SD 57078
Ph: 605-260-4473 • Fax: 605-260-4492

5. Application(s) shall include any treatment of property, public or private, within the borders of Yankton County and the organized community using pesticides or other appropriate chemicals through the use of fogging, spraying or other appropriate equipment owned by the County or operated on its behalf.

7. The Undersigned Township, City or Town shall agree to make payment for said application upon receipt of invoice at the conclusion of the 2020 mosquito season.

The contact person for the Undersigned Township, City or Town shall be responsible for providing press releases to local media describing the approximate times and locations for upcoming applications. Coordinator - Daryl Bierle - 605 660 5590
605 364 - 7455

DATED this 13th day of April, 2020.

Daryl Bierle Attest: Janelle Munkrod

For the City of Lesterville

DATED this _____ day of _____, 2020.

Sign Here Sign Here

_____ Attest: _____

Cheri Loest, Chairman

Yankton County Board of Commissioners

Patty Hojem, Auditor

Yankton County

Good Neighbors Control Noxious Weeds

YANKTON COUNTY WEED DEPARTMENT
3302 W City Limits Road • Yankton, SD 57078
Ph: 605-260-4473 • Fax: 605-260-4492

Yankton County Mosquito Abatement Program
Joint Cooperative Agreement
Renewal – 2020

Whereas, it is in the best interests of the County of Yankton, South Dakota (hereafter referred to as the "County") to participate in a joint effort with the City of_____, and as yet unspecified incorporated Townships in the County of Yankton, South Dakota for the development and operation of the Yankton County Mosquito Abatement Program (hereafter referred to as YCMAP); and

Whereas, the undersigned parties, in their official capacities, have read and reviewed the agreement and desire to be bound according to its terms and according to the laws of the State of South Dakota for the 2020 Mosquito Season.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENENTS CONTAINED HEREIN, AND EACH OF THE PARTIES INTENDING TO BE BOUND HEREBY, IT IS AGREED AS FOLLOWS:

1. Yankton County through its designated coordinator of the YCMAP (hereinafter referred to as the "Coordinator") shall coordinate and administer application of appropriate pesticides or other means necessary to abate mosquitoes.

2. Said Coordinator for the 2020 Mosquito Season is identified as the Supervisor of the Yankton County Weed and Pest Board.

3. Requests for each application(s) of pesticides shall be made to the coordinator who shall determine the appropriate times and amounts for application(s).

4. Application(s) of fogging pesticide shall be based upon the mosquito counts obtained from surveillance and monitoring by the City and Coordinator.

   a. It is hereby agreed by and between the County and the City of Volin, that the County will maintain mosquito control. The City of Volin will be invoiced for these additional services at the current applicable rate of $60.00 per hour plus chemical.

   b. The coordinator shall provide notice to the Undersigned Township, City or Town representative and/or his/her designee of the Coordinator's intention to make an application(s) of fogging pesticides.

YANKTON COUNTY WEED DEPARTMENT

3302 W City Limits Road • Yankton, SD 57078
Ph: 605-260-4473 • Fax: 605-260-4492

5. Application(s) shall include any treatment of property, public or private, within the borders of Yankton County and the organized community using pesticides or other appropriate chemicals through the use of fogging, spraying or other appropriate equipment owned by the County or operated on its behalf.

7. The Undersigned Township, City or Town shall agree to make payment for said application upon receipt of invoice at the conclusion of the 2020 mosquito season.

The contact person for the Undersigned Township, City or Town shall be responsible for providing press releases to local media describing the approximate times and locations for upcoming applications.

DATED this 14 day of April, 2020.

_____ Attest: Evelyn Klimek
F. Offia

For the City of Volin

DATED this 14 day of April, 2020.

Sign Here

Sign Here

_____ Attest: _____

Cheri Loest, Chairman
Yankton County Board of Commissioners

Patty Hojem, Auditor
Yankton County

Good Neighbors Control Noxious Weeds

YANKTON COUNTY WEED DEPARTMENT

3302 W City Limits Road • Yankton, SD 57078
Ph: 605-260-4473 • Fax: 605-260-4492

Yankton County Mosquito Abatement Program
Joint Cooperative Agreement
Renewal – 2020

Whereas, it is in the best interests of the County of Yankton, South Dakota (hereafter referred to as the "County") to participate in a joint effort with the City of Utica, and as yet unspecified incorporated Townships in the County of Yankton, South Dakota for the development and operation of the Yankton County Mosquito Abatement Program (hereafter referred to as YCMAP); and

Whereas, the undersigned parties, in their official capacities, have read and reviewed the agreement and desire to be bound according to its terms and according to the laws of the State of South Dakota for the 2020 Mosquito Season.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENENTS CONTAINED HEREIN, AND EACH OF THE PARTIES INTENDING TO BE BOUND HEREBY, IT IS AGREED AS FOLLOWS:

1. Yankton County through its designated coordinator of the YCMAP (hereinafter referred to as the "Coordinator") shall coordinate and administer application of appropriate pesticides or other means necessary to abate mosquitoes.

2. Said Coordinator for the 2020 Mosquito Season is identified as the Supervisor of the Yankton County Weed and Pest Board.

3. Requests for each application(s) of pesticides shall be made to the coordinator who shall determine the appropriate times and amounts for application(s).

4. Application(s) of fogging pesticide shall be based upon the mosquito counts obtained from surveillance and monitoring by the City and Coordinator.

    a. It is hereby agreed by and between the County and the City of Utica, that the County will maintain mosquito control. The City of Utica will be invoiced for these additional services at the current applicable rate of $60.00 per hour plus chemical.

    b. The coordinator shall provide notice to the Undersigned Township, City or Town representative and/or his/her designee of the Coordinator's intention to make an application(s) of fogging pesticides.

YANKTON COUNTY WEED DEPARTMENT
3302 W City Limits Road • Yankton, SD 57078
Ph: 605-260-4473 • Fax: 605-260-4492

5. Application(s) shall include any treatment of property, public or private, within the borders of Yankton County and the organized community using pesticides or other appropriate chemicals through the use of fogging, spraying or other appropriate equipment owned by the County or operated on its behalf.

7. The Undersigned Township, City or Town shall agree to make payment for said application upon receipt of invoice at the conclusion of the 2020 mosquito season.

The contact person for the Undersigned Township, City or Town shall be responsible for providing press releases to local media describing the approximate times and locations for upcoming applications.

DATED this 13 day of April, 2020.

Joyce Diede - Trustee Attest: Bryan Hubbard Trustee

For the City of Utica

DATED this _____ day of _____, 2020.

Sign Here

Sign Here

_____ Attest: _____

Cheri Loest, Chairman

Yankton County Board of Commissioners

Patty Hojem, Auditor

Yankton County

GROUP OCCUPANCY AGREEMENT

This Group Occupancy Agreement is effective this 19th day of May, 2020, by and between:

Yankton County Office of Emergency Management – Yankton County
and
Avera Sacred Heart Hospital - Owner
And
Agency of First Responder Agencies - Payee

RECITALS

A. Due to the COVID-19 pandemic, Yankton County is in immediate need for accommodations for persons who do not need hospital treatment but who are in a high-risk category and may need to be isolated because they have contracted COVID-19, or quarantined because they have been exposed to persons with COVID-19, or must be quarantined while awaiting test results for coronavirus.

B. Yankton County, as an effective public health mitigation tool, desires to obtain accommodations for these people who do not need treatment in hospitals but who cannot effectively self-quarantine or self-isolate.

C. Yankton County desires to obtain permission from Owner for Yankton County to use room(s) from Owner's rooms at the Star Lite Inn ("Hotel") located at 500 Park Street, Yankton, South Dakota.

AGREEMENT

NOW, THEREFORE, for good and valuable consideration, the parties hereto agree as follows:

1. **ROOM ACCOMMODATIONS.** Owner hereby grants Yankton County a room in the Hotel during the Term of this Agreement. Except for Owner's employees, Owner will not permit the public into the Hotel or to occupy any of the rooms during an occupant's quarantine/isolation period.

2. **TERM.**

A. Initial Term. The initial term of this Agreement shall commence on May 19th, 2020, and continue for thirty (30) days thereafter, unless extended or sooner terminated in accordance with this Agreement.

B. RENEWAL TERMS

- Provided Yankton County has not failed or refused to perform any of covenants, duties agreements or obligations under this Agreement or is otherwise in default, Yankton County shall have the right to extend this Agreement for one (1) additional thirty (30) day term. In order to exercise an option to extend the term, Yankton County shall provide notice thereof to Owner at least fourteen (14) days prior to the expiration of the initial Term or the first renewal Term (as the case may be). Each Payee will be responsible

for the cost of the room(s).

3. **USE OF GUEST ROOMS.** Yankton County shall use the rooms only for accommodations as typical non-smoking hotel guest rooms. Occupants and shall not use the rooms to provide hospital services, sanitarium services, rehabilitation services, intermediate care services, sheltered care services, skilled nursing care or services, or any other health care or services.

a) Payees who have a person staying at Hotel shall be solely responsible for making all determinations regarding those persons who are eligible to use the Hotel.
b) Meals will need to be brought in or food ordered during an occupant's stay.
c) Occupants must keep their room clean.
d) The party that provides any health services to an occupant while using any of the guest rooms will be solely responsible for such services.
e) Neither Yankton County nor Owner is responsible for the provision or evaluation of medical care to any room occupant.
f) There will be no general visitation by outsiders permitted.
g) Emergency services employees or other trained personnel will be responsible for screening and limiting entry to occupants.
h) Yankton County shall not permit smoking or pets at or within the Hotel.
i) Owner shall designate an outdoor smoking area for use by occupants, which area shall not be used by more than one (l) occupant at any given time.

4. **RESERVATION METHOD.** The administrator of the Payee will provide the Hotel's general manager with a list of people(s) who will be occupying a room(s) pursuant to this Agreement. Payee's office will update the list daily for any changes that occur, including all new arrivals and all departures. To the extent that privacy laws, including the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), apply to such disclosures, Payee shall disclose only such information to Owner as permitted by HIPAA or other applicable laws.

5. **SERVICES AND AMENITIES.** The parties shall provide the following services to during the occupancy period, subject to the limitations set forth below:

A. Utilities. Owner shall use its commercially reasonable efforts to provide all occupants with utilities, HVAC, cable television, internet access and internal telephone service; provided, however, Yankton County acknowledges that Owner may not be able to timely repair or restore any such service due to the health hazards posed by occupants.

B. Housekeeping and Cleaning: During the occupancy period, the occupant shall be responsible to clean the room that they are in. If more extensive cleaning is needed, a professional service will be used. The Payee shall enter into a contract directly with Intek for said cleaning.

C. Linens and Laundry: The Owner will be responsible for, or arrange to have all dirty or soiled linens delivered to a centralized 1ocation at the Hotel to be designated by Owner. Owner shall be solely responsible for laundering all Hotel linens. For the purposes of this Agreement, linens shall be defined to include bedding and towels.

D. Hotel Maintenance: Owner shall, during the term of this Agreement, keep the Hotel,

including without limitation, the guest rooms, interior common areas and exterior in good order, condition and repair, including, without limiting the generality of the foregoing, all plumbing, heating, air conditioning, ventilating, electrical and lighting facilities and equipment and all fixtures, ceiling, walls windows, doors, and glass. In the event a repair is needed in a room that is occupied by an occupant, the Owner shall arrange to have such occupant transferred to a different room before Owner makes the repair. The Payee acknowledges and agrees that staffing constraints and safety considerations may cause delays in repairs, and that the Owner shall have no liability as a result of any such delays.

E. Food Service. The Payee's occupant shall be responsible for all food and beverage. All meals, snacks, and beverages shall be delivered to the room where the occupant is residing.

F. Amenities. Payee's occupants shall not be entitled to use or be given access to the lobby business center, printing, the fitness center, pool, public rest rooms, or public telephones and Owner will not operate or provide any of those services. The Payee's administrator shall ensure that all occupants remain in their respective rooms at all times, except as required due to emergency or in the case of the departure of an occupant after recovering from illness. Payee shall require all occupants to wear face masks when outside of their rooms.

G. Security. During the occupancy period, Payee shall, at its sole cost and expense, arrange for security services necessary to enforce any restrictions imposed upon the occupants by Payee or Owner's employees or other trained personnel.

H. Fire Evacuation Protocol. Owner's existing fire evacuation plan and protocols shall be in place.

6. SAFETY OF HOTEL/OWNER'S EMPLOYEES.

A. Except as set expressly set forth herein, Owner's employees or contractors shall have no obligation to access individual rooms of any occupant for any reason during the occupancy period. All in-room services shall be provided by Payee or Yankton County employees or other trained personnel.

B. Owner will ensure that one employee of Owner is located at the Hotel at all times for purposes of issuing room keys to occupants and generally responding to inquiries regarding the operation of the Hotel. Between the hours of 9:00 a.m. and 8:00 p.m. each day. The Payee's administrator shall provide appropriate information to Owner's employees regarding the presence of occupants who are or may be infected with COVID-19, and shall provide Owner and its employees with appropriate supplies and protective equipment, in accordance with recommendations of the Centers for Disease Control and Prevention (CDC) and state or local public health agencies.

7. FEES AND EXPENSES.

A. Deposit. Payee's administrator and Owner agree that no deposit will be required from Payee under this Agreement.

B. Occupancy Fee for Rooms. Payee shall pay to Owner an occupancy fee in the amount of Sixty-six Dollars ($66.00) per day per room for each occupied room or Three hundred fifty

dollars ($350.00) weekly. Owner will issue an invoice to the Payee every fifteen (15) days for the occupancy due for the immediately preceding fifteen (15) day period, and the Payee shall remit payment for the occupancy set forth in each invoice within fifteen (15) days after the date of the invoice. If a Payee fails to pay its fee, Yankton county will reimburse Owner for all unpaid costs at the end of the Agreement.

C. Reimbursement of Expenses. If Owner incurs any additional costs or expenses to accommodate special requests of Payees' employees or other trained personnel to assist them in handling the COVID-19 pandemic, Payee shall reimburse all such additional costs and expenses.

8. GENERAL PROVISIONS.

A. No Representations or Warranties. Notwithstanding anything herein to the contrary, Owner makes no representations or warranties regarding the condition of the Hotel.

B. Relationship. Nothing contained in this Agreement shall create a relationship between Owner and Payee other than that of an independent contractor. This Agreement shall not be deemed to make either party in any way or for any purpose a partner, joint venture, landlord, tenant or employer or in any other relationship with the other. This Agreement is not a lease and does not afford Yankton County a tenancy in the Hotel.

C. Amendment. This Agreement may not be modified, amended, rescinded, or terminated, except by written amendment signed by the parties hereto.

[Signature Page Follows]

IN WITNESS WHEREOF, Yankton County, Owner and Payee have executed this Agreement as of the Effective Date of May 19, 2020.

Yankton County OEM director

_____
Paul Scherschligt

Date: _____

Yankton County Chairperson

_____
Cheri Loest

Date: _____

Avera Sacred Heart Hospital

_____
Douglas Ekeren
Date: _____

Payee Administrator

_____

Date: _____

Payee Administrator

_____

Date: _____

Payee Administrator

_____

Date: _____

Suggested Wording for Agenda

Public comment is a time for persons to address the County Commission on items not listed on the agenda. No action may be taken on a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action will be taken. Each person has up to three minutes to speak. Comments made during the Public Comment period of the agenda may be on any subject. There shall be no personal attacks against the members of the County Commission, County Staff, or any other individual.

YANKTON COUNTY

ZONING ORDINANCE 2020

Adopted:

Prepared by: Yankton County Commission
Yankton County Planning Commission

TABLE OF CONTENTS

County Officials ..... Page IV
District Lot Requirements……Page V
Official Zoning Map – Main ..... Page VI
Official Zoning Map – Mission Hill South ..... Page VII
Official Zoning Map – Utica South..... Page VIII
Official Zoning Map – Ziskov South ..... Page IX

ZONING ORDINANCE

Definitions.....Page 1

ARTICLE 1: Jurisdiction ..... Page 34

ARTICLE 2: Application of District Regulations..... Page 36

ARTICLE 3: Establishment of Districts ..... Page 38

ARTICLE 4: Official Zoning Map and Boundary Interpretation. ..... Page 40

ARTICLE 5: Agriculture District (AG) ..... Page 43

ARTICLE 6: Low Density Rural Residential District (R1) ..... Page 55

ARTICLE 7: Moderate Density Rural Residential District (R2) ..... Page 60

ARTICLE 8: High Density Rural Residential District (R3)..... Page 64

ARTICLE 9: Manufactured Home Park District (MHP)..... Page 68

ARTICLE 10: Commercial District (C)..... Page 75

ARTICLE 11: Lakeside Commercial District (LC)..... Page 80

ARTICLE 12: Rural Transitional District (RT)..... Page 85

ARTICLE 13: Planned Unit Development (PUD)..... Page 91

ARTICLE 14: Sign Regulations..... Page 94

ARTICLE 15: Supplementary District Regulations..... Page 102

ARTICLE 16: Nonconformance..... Page 107

ARTICLE 17: Administrative Procedure and Enforcement..... Page 112

ARTICLE 18: Planning Commission..... Page 119

ARTICLE 19: Board of Adjustment ..... Page 126

ARTICLE 20: County Commission ..... Page 132

ARTICLE 21: Duties on Matters of Appeals..... Page 136

ARTICLE 22: Amendments or Rezoning ..... Page 138

ARTICLE 23: Violations, Complaints, Penalties, and Remedies. ..... Page 141

ARTICLE 24: Legal Status Provisions..... Page 144

ARTICLE 25: Siting of Wireless Telecommunication Facilities ..... Page 146

ARTICLE 26: Wind Energy Systems ..... Page 169
ARTICLE 27: Highway 52 Corridor Overlay District..... Page 181

COUNTY OFFICIALS

Yankton County Commission:

Dan Klimisch, Yankton
Joseph Healy, Yankton
Cheri Loest, Utica
Don Kettering, Yankton
Gary Swensen, Yankton

Yankton County Planning Commission:

Donna Freng, Yankton
Greg Hansen, Mission Hill
John Harper, Yankton
Joseph Healy, Yankton
Dan Klimisch, Yankton
Dennis Michael, Yankton
Kristi Schultz, Yankton
Zane Williams, Irene
Michael Welch, Yankton

Yankton County Zoning Administrator:

Gary Vetter, (605) 260-4445

Yankton County Deputy Zoning Administrator:

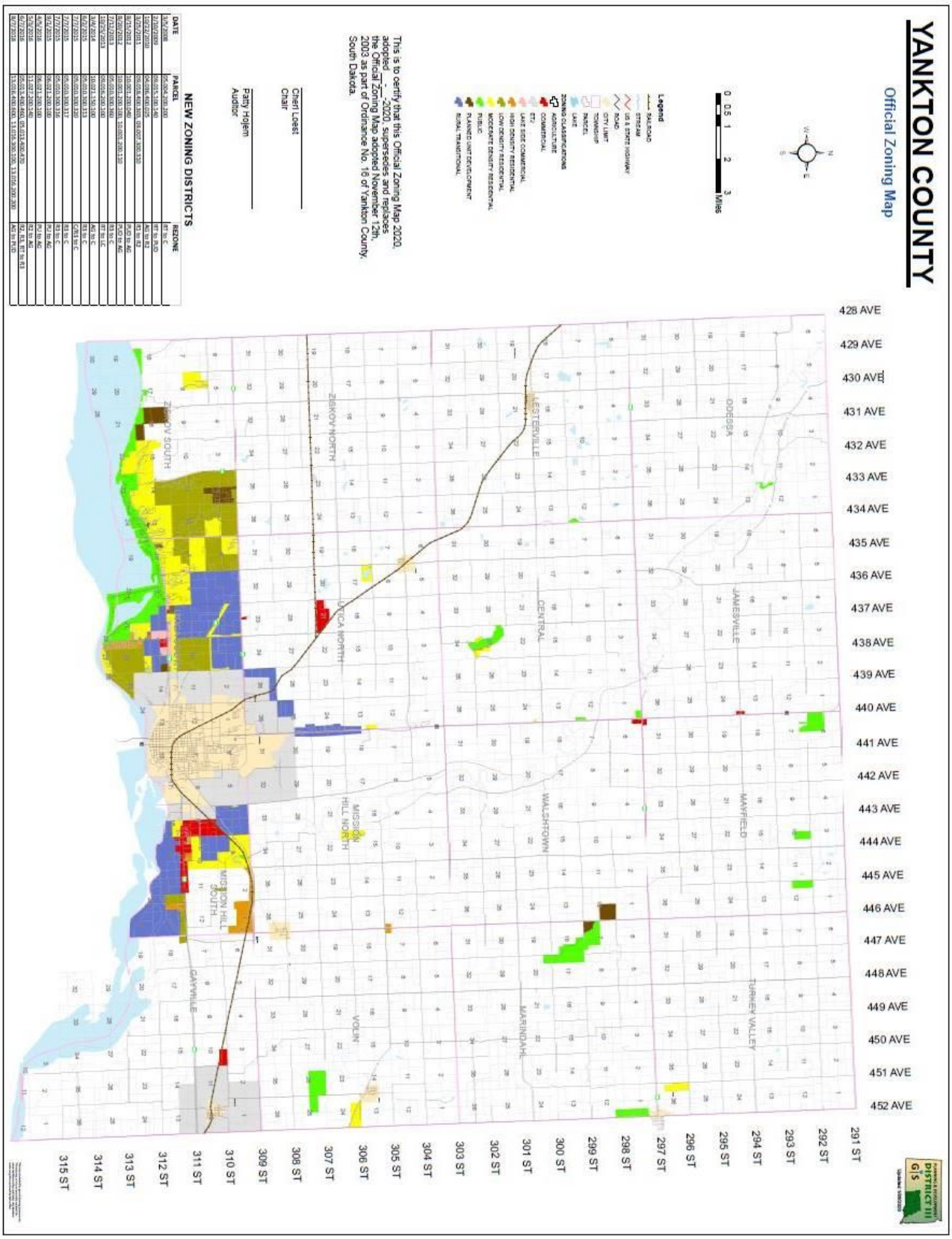
Jessica Atkinson, (605) 260-4447

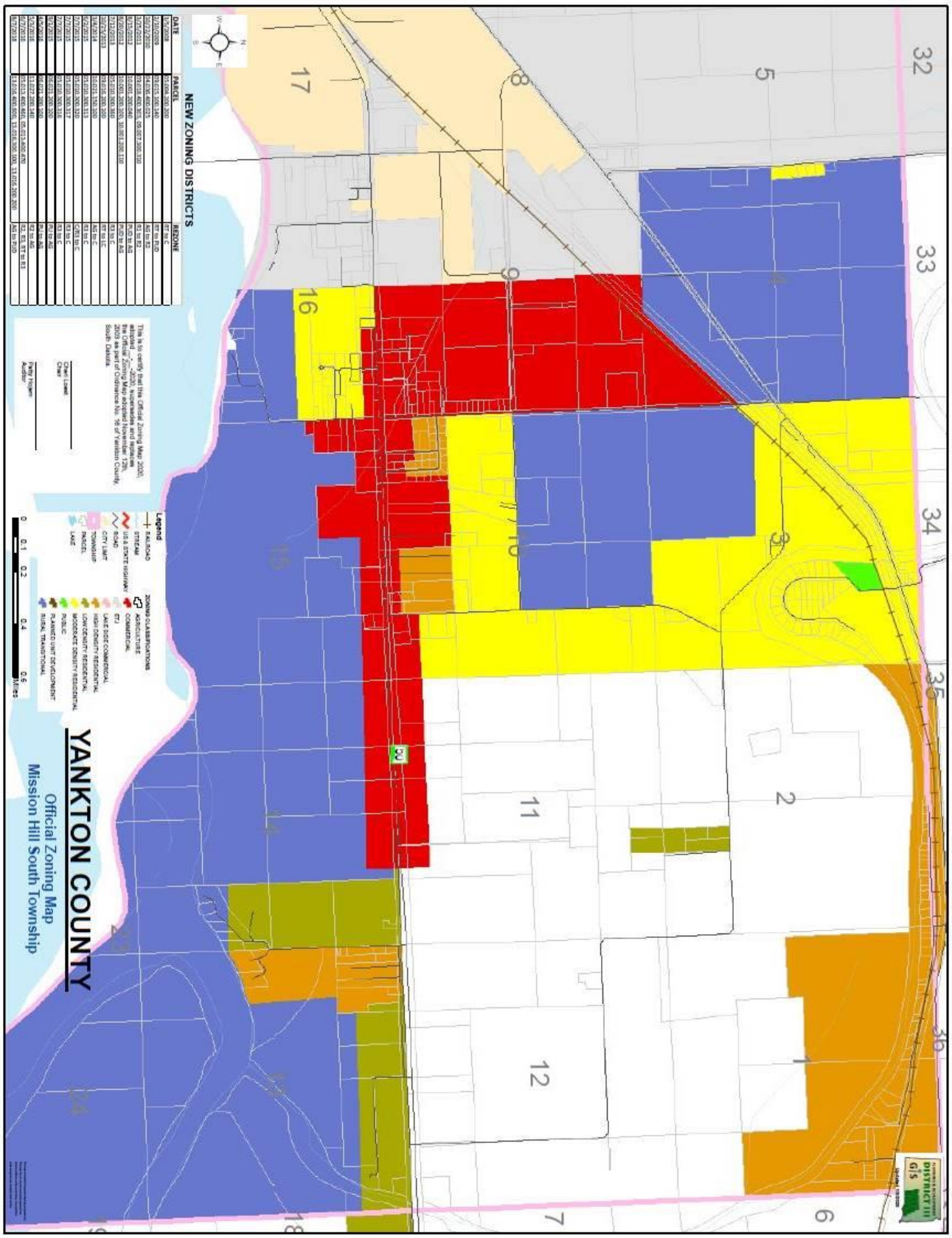
Yankton County Auditor:

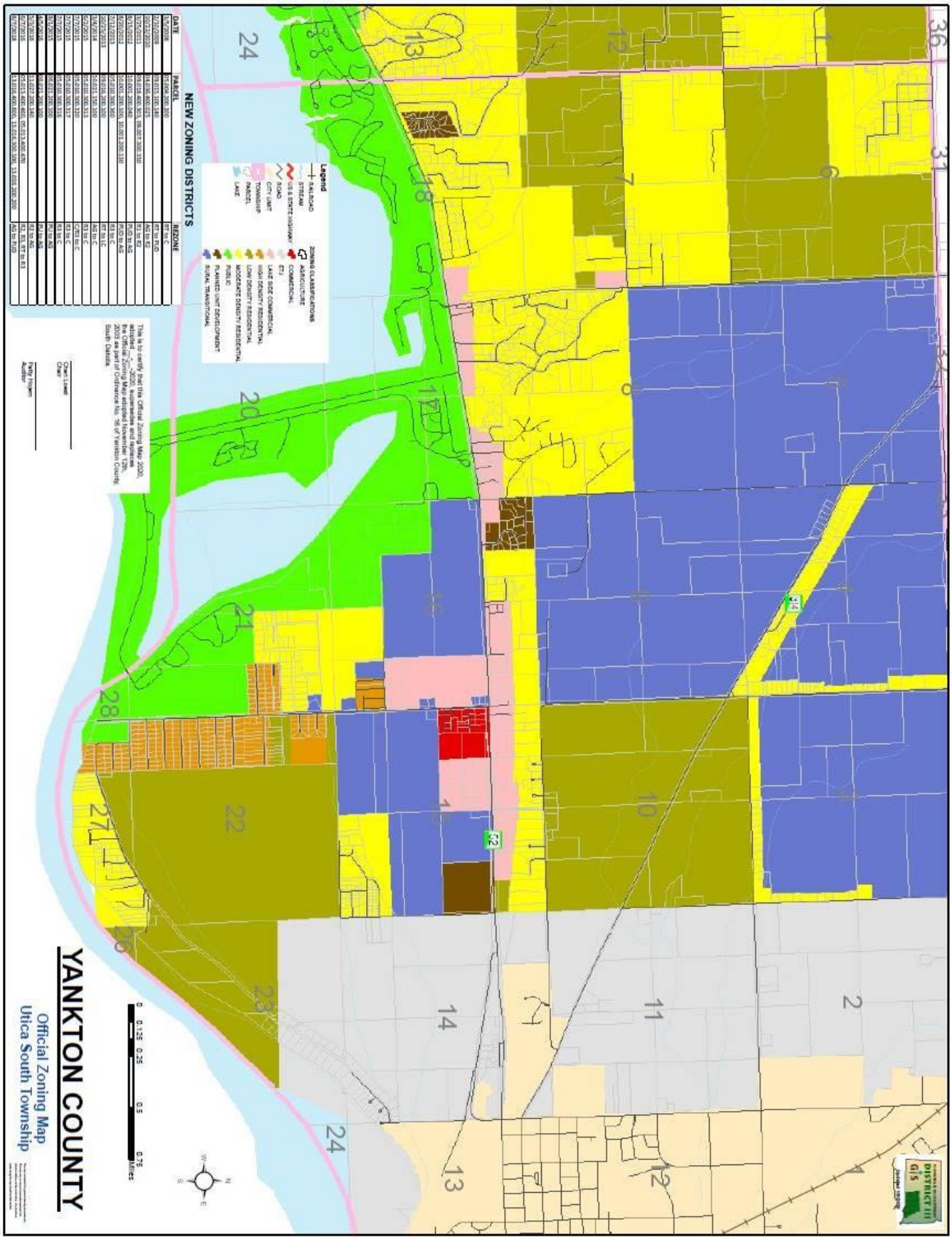
Patty Hojem, (605) 260-4436

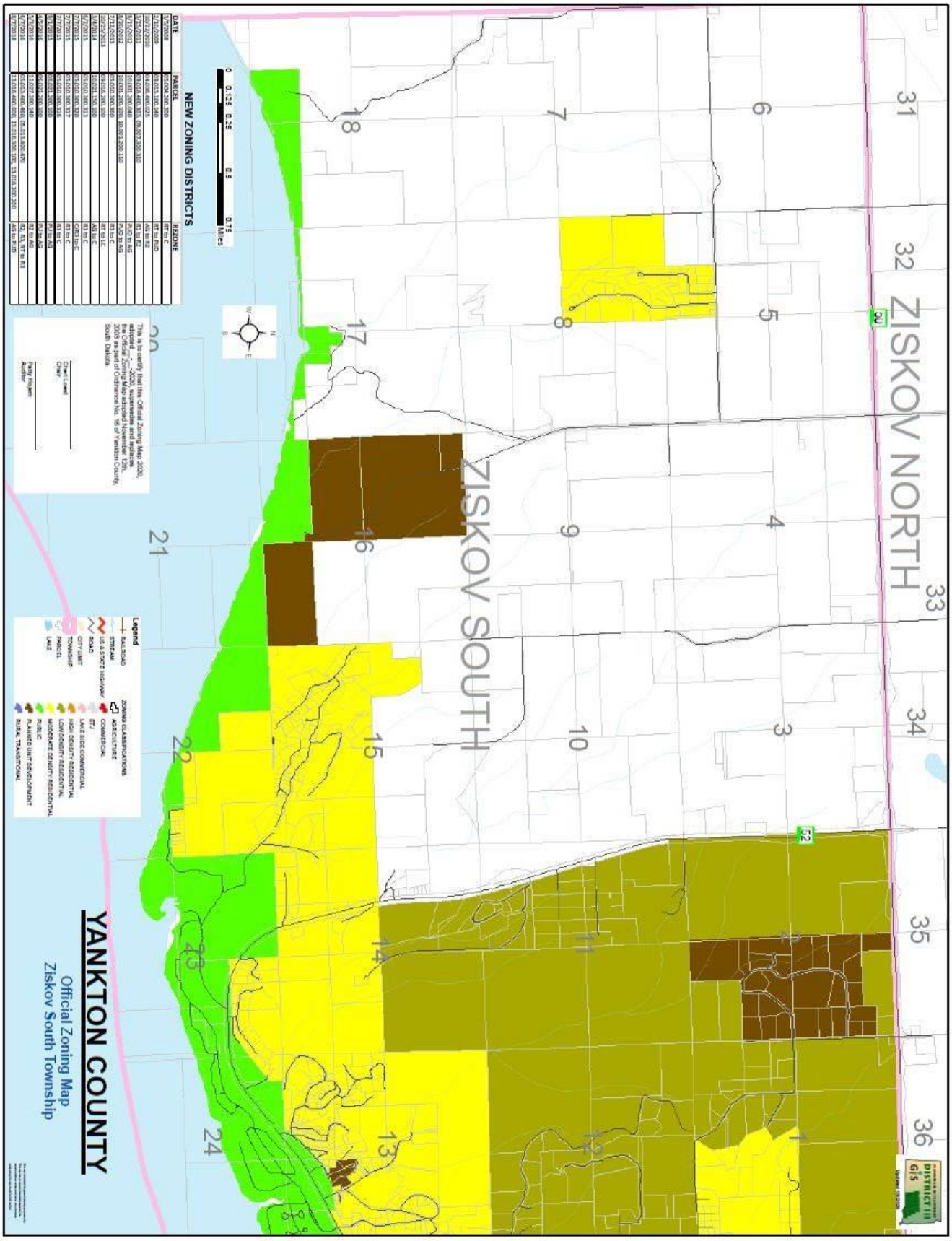
Yankton County Zoning Ordinance District Lot Requirements Overview					
District	**Lot Area**	**Minimum Lot Width**	**Minimum Front Yard Depth**	**Minimum Rear Yard Depth**	**Minimum Side Yard Width**
Agricultural (AG)	**20 acres**	**500 feet**	**75 feet**	**75 feet**	**75 feet**
Low Density Residential (R1)	**5 acres**	**200 feet**	**30 – 50 feet ***	**20 feet**	**10 feet**
Moderate Density Residential (R2)	**40,000 sq ft (1 acre)**	**100 feet**	**30 – 50 feet ***	**20 feet**	**10 feet**
High Density Residential (R3)	**20,000 sq ft (1/2 acre)**	**75 feet**	**30 – 50 feet ***	**20 feet**	**10 feet**
Manufactured Home Park (MHP)	**3 acres**	**300 feet**	**30 feet**	**10 feet**	**10 feet**
Commercial (C)	**2 acres**	**150 feet**	**100 feet**	**50 feet**	**25 feet**
Lakeside Commercial (LC)	**1 acre**	**150 feet**	**75 feet**	**25 feet**	**25 feet**
Rural Transitional (RT)	**20 acres**	**500 feet**	**30 – 50 feet ***	**20 feet**	**10 feet**
Planned Unit Development (PUD)	**5 acres**	**N/A**	**N/A**	**N/A**	**N/A**

* Refer to the ordinance text for more detailed information.


YANKTON COUNTY
Official Zoning Map
0 0.5 1 2 3 Miles
Legend
RAILROAD
STREAM
US & STATE HIGHWAY
ROAD
CITY LIMIT
TOWNSHIP
PARCEL
LAKE
ZONING CLASSIFICATIONS
AGRICULTURE
COMMERCIAL
ETJ
LAKE SIDE COMMERCIAL
HIGH DENSITY RESIDENTIAL
LOW DENSITY RESIDENTIAL
MODERATE DENSITY RESIDENTIAL
PUBLIC
PLANNED UNIT DEVELOPMENT
RURAL TRANSITIONAL
This is to certify that this Official Zoning Map 2020, adopted ___-___-2020, supersedes and replaces the Official Zoning Map adopted November 12th, 2003 as part of Ordinance No. 16 of Yankton County, South Dakota.
Cheri Loest
Chair
Patty Hojem
Auditor
NEW ZONING DISTRICTS
DATE
PARCEL
REZONE
3/6/2006
06.004.200.200
RT to C
2/20/2009
06.005.100.140
RT to RLD
2/20/2009
06.005.400.025
AG to RLD
1/27/2010
06.005.100.340 06.005.300.330
RT to C
8/30/2011
10.003.100.340
RT to AG
8/30/2011
10.003.100.360
RT to AG
8/30/2011
10.003.200.100 10.003.400.130
RT to AG
7/13/2013
06.003.100.360
RT to C
10/25/2013
06.005.200.100
RT to LC
3/4/2014
10.001.150.100
RT to C
5/6/2015
06.003.100.333
RT to C
5/6/2015
06.003.100.334
RT to C
7/7/2015
06.003.100.117
RT to C
9/1/2015
06.003.100.120
RT to C
9/1/2015
06.021.200.120
PU to AG
4/5/2016
06.021.200.110
PU to AG
5/4/2016
11.027.200.140
PU to AG
6/7/2016
06.004.400.025 06.014.400.470
RT to AG
8/1/2019
10.003.400.060 11.003.300.200 11.004.200.200
AG to RLD
428 AVE
429 AVE
430 AVE
431 AVE
432 AVE
433 AVE
434 AVE
435 AVE
436 AVE
437 AVE
438 AVE
439 AVE
440 AVE
441 AVE
442 AVE
443 AVE
444 AVE
445 AVE
446 AVE
447 AVE
448 AVE
449 AVE
450 AVE
451 AVE
452 AVE
291 ST
292 ST
293 ST
294 ST
295 ST
296 ST
297 ST
298 ST
299 ST
300 ST
301 ST
302 ST
303 ST
304 ST
305 ST
306 ST
307 ST
308 ST
309 ST
310 ST
311 ST
312 ST
313 ST
314 ST
315 ST
ZEMAN SOUTH
ZEMAN NORTH
UTICA NORTH
LESTERVILLE
CENTRAL
MISSION HILL NORTH
MISSION HILL SOUTH
GAYVILLE
VOLIN
WALSHTOWN
MARINDAHL
MAYFIELD
TURNEY VALLEY
JAMESVILLE
DOBSON


YANKTON COUNTY
Official Zoning Map
Mission Hill South Township
NEW ZONING DISTRICTS
DATE
PARCEL
REZONE
Legend
RAIL ROAD
STREAM
US & STATE HIGHWAY
ROAD
CITY LIMIT
TOWNSHIP
PARCEL
LAKE
ZONING CLASSIFICATIONS
AGRICULTURE
COMMERCIAL
I2
GAS SIDE COMMERCIAL
HIGH DENSITY RESIDENTIAL
LOW DENSITY RESIDENTIAL
MODERATE DENSITY RESIDENTIAL
PUBLIC
PLANNED UNIT DEVELOPMENT
RURAL TRANSITIONAL
Other Lines
Other
Patty Hagen
Auditor
This is to certify that this Official Zoning Map 2020, adopted ____2020, supersedes and replaces the Official Zoning Map adopted November 12th, 2013 as part of Ordinance No. 16 of Yankton County, South Dakota
0 0.1 0.2 0.4 0.6 Miles


YANKTON COUNTY
Official Zoning Map
Utica South Township
NEW ZONING DISTRICTS
Legend
RAILROAD
STREAM
US & STATE HIGHWAY
ROAD
CITY LIMIT
TOWNSHIP
PARCEL
LAKE
ZONING CLASSIFICATIONS
AGRICULTURE
COMMERCIAL
ETJ
LAKE SIDE COMMERCIAL
HIGH DENSITY RESIDENTIAL
LOW DENSITY RESIDENTIAL
MODERATE DENSITY RESIDENTIAL
PUBLIC
PLANNED UNIT DEVELOPMENT
RURAL TRANSITIONAL
Chart Lowe
Chair
Patty Hojem
Auditor
0 0.125 0.25 0.5 0.75 Miles



DATE	PARCEL	REZONE
3/6/2009	91.004.300.300	RT to C
3/6/2009	91.010.100.140	RT to PUD
5/27/2009	94.036.400.025	AG to S2
6/15/2009	91.010.300.060, 91.010.300.070, 91.010.300.080	AG to RT
8/26/2009	91.001.300.000, 91.001.300.100, 91.003.300.100	PUD to AG
8/26/2009	91.010.300.000	PUD to AG
7/31/2013	91.010.300.160	RS to C
9/23/2013	91.010.300.100	RT to LIC
9/23/2013	91.010.300.120	RS to C
1/6/2014	91.021.300.000	AG to C
6/2/2015	91.010.300.113	RS to C
7/7/2015	91.010.300.130	C/RS to C
7/7/2015	91.010.300.132	RS to C
7/7/2015	91.010.300.134	RS to C
8/4/2015	91.010.300.150	PUD to AG
8/4/2015	94.036.300.000	PUD to AG
4/5/2016	94.036.300.000	PUD to AG
5/3/2016	13.022.300.180	RS to AG
6/7/2016	91.010.400.000, 91.010.400.040, 91.013.400.070	RS, RM, RT to B3
6/7/2016	13.016.400.000, 13.016.300.100, 13.016.300.200	AG to PUD

DEFINITIONS

Definitions

For the purpose of this Ordinance, unless otherwise stated, words used in the present tense include the future; the singular number includes the plural and the plural the singular; the word shall means mandatory, not discretionary; the word may is permissive; the word person includes a firm, association, organization, partnership, trust, company or corporation, as well as, an individual; the word lot includes the word plat or parcel; and the words used or occupied include the words intended, designed, or arranged to be used or occupied.

Terms

For the purpose of this Ordinance, certain terms or words used herein shall be interpreted as follows:

Abandoned Sign/Billboard - a sign or sign structure that is blank, obliterated or displays obsolete advertising material for a period in excess of twelve continuous months. The twelve-month period for determining if a sign is abandoned commences upon notification of violation to the offender.

Abut - Having a common border with, or being separated from such a common border by a right-of-way, alley, or easement.

Accessory Agricultural Structure - A structure customarily incidental and necessary to farming and the raising of animals including barns and other animal shelters, corrals and fences, silos and storage sheds for machinery and crops.

Accessory Building - A subordinate building, the use of which is purely incidental to the main building~~., is less than one hundred (100) percent of the area of the largest floor of the principal building, and is unattached from the principal building at least ten (10) feet~~. It shall be unlawful for any person, firm, or corporation in the following Yankton County Zoning Districts: Low Density Rural Residential (R1), Moderate Density Rural Residential (R2), High Density Rural Residential (R3), Manufactured Home Park (MHP), Lakeside Commercial (LC), Rural Transitional (RT), Planned Unit Development (PUD) to use any van body, truck body, semi-trailer, rail car, "shipping crate", and/or any vehicle no longer used for its manufactured purpose as a storage shed, storage building, warehouse, or as living quarters. It shall be unlawful to use manufactured homes for any use other than residential living quarters in all Yankton County Zoning Districts. However, this shall not prevent the lawful parking of vehicles properly licensed, insured, and in regular use for their intended purpose to include 'RVs' and camping trailers.

Accessory Use or Structure - A use or structure on the same lot with and of a nature customarily incidental and subordinate to the principal use or structure. It shall be unlawful for any person, firm, or corporation in the following Yankton County Zoning Districts: Low Density Rural Residential (R1), Moderate Density Rural Residential (R2), High Density Rural Residential (R3), Manufactured Home Park (MHP), Lakeside Commercial (LC), Rural Transitional (RT), Planned Unit Development (PUD) to use any van body, truck body, semi-trailer, rail car, "shipping crate", and/or any vehicle no longer used for its manufactured purpose as a storage shed, storage building, warehouse, or as living quarters. It shall be unlawful to use manufactured homes for any use other than residential living quarters in all Yankton County Zoning Districts. However, this shall not prevent the lawful parking of vehicles properly licensed, insured, and in regular use for their intended purpose to include 'RVs' and camping trailers.

Actual Construction - Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially commenced, preparatory to building, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

Addition - Any construction that increases the size of a building such as a porch, attached garage or carport, or a new room.

Administrative Review - A process brought forth by the Zoning Administrator to clarify a provision of the Zoning Ordinance. A review may include policy interpretation or procedural questions but shall not include the appeals process as detailed herein.

Adult Entertainment - Any premises or part thereof in which a principal feature or characteristic is the nudity or partial nudity of any person; to include a place or part thereof where, in pursuance of a trade, calling, business or occupation, goods or services appealing to or designed to appeal to erotic or sexual appetites or inclinations.

Advertising Sign - An advertising sign, billboard, or poster panel which directs attention to a business, commodity, service, or entertainment not exclusively related to the premises where such advertising sign is located or to which it is affixed, but does not include those business signs which direct attention to the business on the premises to a brand name of a product or commodity with which the business is specifically identified and which is sold on the premises.

Agriculture - The planting, cultivating, harvesting and storage of grains, hay or plants, fruits, or vineyards along with the raising and feeding of livestock and/or poultry shall be considered an agricultural use. Grain elevators or Agricultural Product Processing Facilities shall not be considered an agricultural use if such use constitutes the main or principal use on a lot or parcel.

Agriculture Product Processing Facility - A business activity customarily designed to process raw agricultural products into value added products. Agricultural processing facilities include, but are not limited to; feed mills, ethanol plants, soy bean processing facilities, cheese plants, milk processors, packing plants and rendering facilities.

Alley - A way which affords only a secondary means of access to abutting property.

Amendment - A change in the wording or substance of this ordinance or a change in the boundaries or classifications upon the Official Zoning Map.

Amusement Park - A facility, primarily outdoors, that may include structures and buildings, where there are various devices for entertainment including rides, booths for the conduct of games or sale of items, buildings for shows and entertainment and restaurants and souvenir sales.

Animal Feeding Operation: An animal feeding operation is a lot or facility where an established number of animal units are confined, stabled, fed, or maintained in either an open or housed lot for a total of 45 days or more in any 12-month period. The open lot does not sustain crops, vegetation, forage growth, or post-harvest residues in the normal growing season. Two or more facilities under common ownership are a single animal operation if they adjoin each other (within one mile), or if they use a common area or system for the disposal of manure.
For the purposes of these regulations, Animal Feeding Operations are divided into the following classes:

Class	Animal Units
Class A	5,000 - 10,000
Class B	3,000 - 4,999
Class C	2,000 - 2,999
Class D	1,000 - 1,999
Class E	300 - 999
Class F	1 - 299

Animal Feeding Operation or CAFO, New - An animal feeding operation or CAFO, (see definitions), constructed after the effective date of this ordinance or any subsequent amendment of applicable Articles or Sections. Operations in existence upon adoption or prior to future amendments may be considered a new operation if the facility is expanded to facilitate an increase of more ~~that~~ than three hundred (300) animal units. Any new construction relating to an expansion must comply with the applicable performance standards. The Planning Commission and Board of Adjustment shall have the authority to decrease or waive any standard deemed contradictory to the intent of the zoning ordinance upon review and in accordance with the conditional use and variance process described herein.

Animal Units - A unit of measure for livestock equated as follows; one head is equivalent to animal units:

Cow, feeder, or slaughter beef animal, excluding calves under 300 pounds	1.0 A.U.
Horse	2.0 A.U.
Mature dairy cattle, excluding dairy calves under 300 pounds	1.4 A.U.
Farrow-to-finish sows	3.7 A.U.
Swine in a production unit	0.47 A.U.
Nursery swine less than 55 pounds	0.1 A.U.
Finisher swine over 55 pounds	0.4 A.U.
Sheep or lambs	0.1 A.U.
Laying hens or broilers	0.033 A.U.
Ducks and/or geese	0.2 A.U.
Turkeys	0.018 A.U.

Animal Unit Conversion Table - A conversion table designed to integrate the definition of animal feeding operations with the animal unit definition. (Amended 06/08/06)

Species Animal	**Class A**	**Class B**	**Class C**	**Class D**	**Class E**
Cow, feeder or slaughter beef animal, excluding calves under 300 pounds	10,000 - 5000	4,999 – 3,000	2,999 – 2,000	1,999 – 1,000	999 - 300
Horses	5,000 – 2,500	2,499 – 1500	1,499 – 1,000	999 – 500	499 - 150
Mature dairy cattle, excluding calves under 300 pounds	7,143 – 3,571	3,570 – 2,143	2,142 – 1,429	1,428 - 714	713 - 214
Farrow to finish sows	2,703 – 1,351	1,350 - 811	810 – 541	540 - 270	269 – 81
Swine in a production unit	21,276 – 10,638	10,637 – 6,382	6,381 - 4,255	4,254 – 2,128	2,127 - 638
Nursery swine less than 55 pounds	100,000 – 50,000	49,999 – 30,000	29,999 – 20,000	19,999 – 10,000	9,999 – 3,000
Finisher swine over 55 pounds	25,000 – 12,500	12,499 – 7,500	7,499- 5,000	4,999 – 2,500	2,499 – 750
Sheep	100,000 – 50,000	49,999 – 30,000	29,999 – 20,000	19,999 – 10,000	9,999 – 3,000
Laying hens	303,030 – 151,515	151,514 – 90,909	90,908 – 60,606	60,605 – 30,303	30,302 - 92090
Ducks and/or geese	50,000 – 25,000	24,999 – 15,000	14,999 – 10,000	9,999 – 5,000	4,999 – 1,500
Turkeys	555,555 – 277,777	277,776 – 166,666	166,665 – 111,111	111,110 – 55,555	55,554 – 16,666

Animal Waste Facility - A structure designed and constructed to store and/or process animal waste. Animal waste facilities include but are not limited to holding basins, lagoons, pits and slurry stores.

Apartment - A portion of a multiple dwelling used as a separate housing unit and having cooking facilities and a private bath.

Applicant - For purposes of this Ordinance a person shall be deemed to be an applicant if they are the owner of the proposed facility; an officer or director of the owner thereof; or an owner of any interest, direct or indirect, in any company, except a publicly traded company, which is the owner of the proposed development.
Aquaculture - Land devoted to the hatching, raising and breeding of fish or other aquatic plants or animals for sale or personal use.

Arcade - A place of business where an individual, association, partnership or corporation maintains four or more amusement devices for public use.

Auction Barn - Any premises used predominantly as a livestock auction facility and may include the auction of agriculturally related items on an incidental or accessory basis only. The term may also include a building or structure or lands used for the storage of goods and materials which are to be sold on the premises by public auction, and for the sale of the said goods and materials by public auction and on an occasional basis.

Auction Yard - Any premises used predominantly as an auction pavilion or any area dedicated to consignment auctions or similar activities. A yard may include structures, open, and fenced display areas.

Automobile-Machinery Service Station - Building and premises where motor fuel, oil, grease, batteries, tires, and vehicle accessories may be supplied and dispensed at retail, and where, in addition, customary repair services may be rendered.

Automobile Wrecking Yard - Any premises on which two or more self-propelled vehicles not in running order or operating condition are stored in the open. See also Junkyard and Salvage Yard.

Back-To–Back Sign***:*** An off-site or on-site sign consisting of two sign facings oriented in the opposite direction with not more than one face per side.

Bar - A building or part thereof where, in consideration of payment therefore, liquor, beer, or wine or any combination thereof are served for consumption on the premises, with or without food.

Basement - A portion of a building with the floor located below the mean grade level. For the purpose of this ordinance, any such basement with more than four (4) feet above grade level shall be counted as a story. No dwelling unit shall be situated in a basement having less than four (4) feet above grade level.

Bed and Breakfast - A dwelling occupied by a family and used incidentally to provide accommodation and meals to guests for remuneration, but shall not include a boarding house, residential care facility, hotel, motel, or other similar uses.

Billboard - See Sign, Off-Site.

Board of Adjustment - The Yankton County Commission shall serve as the Board of Adjustment.

Buildable Area - The portions of a lot remaining after required yards have been provided.

Building - The word "building" includes the word structure and is a structure that is entirely separate from any other structure by space or by walls in which there is no communicating doors or windows or similar openings. A principal building including covered porches and paved patios, is a building in which is conducted the principal use of the lot on which it is situated. In any residential district, any dwelling shall be deemed to be the principal building on the lot on which the same is situated.

Building Line, Front - A line parallel to the street, or right-of-way intersecting the foremost point of the building, excluding uncovered steps.

Building Setback Lines - A line parallel or approximately parallel to the lot lines at a specified distance therefrom, marking the minimum distance from the lot line that the building may be erected.

Building Site - A lot or parcel, or portion thereof, whether a lot of record or described by metes and bounds, used or intended to be used as the location of a building for housing one or two families.

Building, Alterations of - Any change or rearrangement of the supporting members (such as bearing walls, beams, columns, or girders) of a building, an addition to a building, or movement of a building from one location to another. See Structural Alterations.

Building, Height of - The vertical distance measured from the average grade of the building level of the highest and lowest elevations of the site covered by the building to the top of the roof or parapet of the highest story.

Building, Principal - A building in which is conducted the main use of the lot on which said building is located.

Bus Depot - A building or premises where commercial motor vehicles pick up and discharge fare-paying, passengers. Accessory uses may include ticket offices, luggage checking facilities and similar uses.

Business Sign - A sign which directs attention to a business or profession conducted or to a commodity, service, or entertainment sold or offered upon the premises on which such sign is located or to which it is affixed. See also on-site and off-site signs.

Camper - See Travel Trailer.

Campground - Any premises where two (2) or more camping units are parked or placed for camping purposes, or any premises used or set apart for supplying to the public camping space for two (2) or more camping units for camping purposes, which include any buildings, structures, vehicles or enclosures, uses or intended for use or intended wholly, or in part, for the accommodation of transient campers.

Camping Unit - Any vehicle, tent, trailer or portable shelter used for camping purposes.

Car Wash - An establishment having facilities for washing motor vehicles by production line methods which may include a conveyor system or similar mechanical devices. This definition may also include a self-service operation.

Casino - A room or rooms in which legal gaming is conducted.

Cellar - A portion of a building between two floor levels which is partly or wholly underground and which has more than one-half (½) of its height, from finished floor to finished ceiling or to the underside of the floor joists of the story next above, as the case may be, below the average finished grade level adjacent the exterior walls of the building.

Cemetery - Land that is set apart or used as a place for the interment of the dead or in which human bodies have been buried. “Cemetery” may include a structure for the purpose of the cremation of human remains and may include facilities for storing ashes of human remains that have been cremated or the interment of the dead in sealed crypts or compartments.

Church - A building wherein persons regularly assemble for religious worship, and which is maintained and controlled by a religious body organized to sustain public worship.

Clinic - A building or part of a building used solely for the purpose of consultation, diagnosis and treatment of patients by one or more legally qualified physicians, dentists, optometrists, podiatrists, chiropractors, or drugless practitioners, together with their qualified assistants, and without limiting the generality of the foregoing, the building may include administrative offices, waiting rooms, treatment rooms, laboratories, pharmacies and dispensaries directly associate with the clinic, but shall not include accommodation for in-patient care or operating rooms for major surgery.

Club - A building owned, leased, or hired by a non-profit association of persons the use of which is generally restricted to due-paying members and their guests. Such club may periodically be rented, or leased, to non-members for gathering such as weddings, anniversaries, and dances, but no portion of the building shall continuously be used for business purposes.

Company - For purposes of this ordinance the term, “company” includes, but is not limited to, any corporation, partnership, limited liability company, limited liability partnership, limited partnership, business trust and any other business entity.

Comprehensive Plan - Any legally adopted part or element of the Yankton County Comprehensive Plan.

Concentrated Animal Feeding Operation: An animal feeding operation that holds more than 1,000 animal units and smaller operations that discharge pollutants that impair a stream or other surface water are Concentrated Animal Feeding Operations (CAFOs).

Conditional Use - A conditional use is a use that would not be appropriate, generally or without restriction, throughout the zoning district, but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning district as conditional uses, if specific provision for such conditional use is made in this Ordinance.

Congregate Housing - Housing units that provide a semi-independent living environment, which offers residential accommodations, central dining facilities (where at least one (1) meal a day is provided seven (7) days a week), related facilities, and supporting staff and services to persons of at least sixty-two (62) years of age or with disabilities.

Construction Services - A yard, structure, or combination thereof of any general contractor or builder where equipment and materials are stored or where a contractor performs shop or assembly work but does not include any other yard or establishment otherwise defined or classified herein.

Contiguous - Next to, abutting, or touching and having a boundary, or portion thereof, which is adjoining.

Contractor - The person who contracts with an individual or developer to construct a building on a parcel of land prepared by a developer.

Convenience Store - A retail store in which articles for sale are restricted to gasoline sales and a limited range of food items such as milk, bread, soft drinks, ice cream, canned and bottled goods, snacks and candy. Retail sales may also include the limited sale of magazines, books, house wares, toiletries, bait, alcoholic beverages and tobacco.

Court - Any open space, unobstructed from ground to sky, other than a yard, that is on the same lot with and bounded on two or more sides by the walls of a building.

Covenant - An agreement, convention, or promise of two or more parties, by deed in writing, signed and delivered, by which either of the parties pledges himself to the other that something is either done, or shall be done, or shall not be done. The term is currently used primarily with respect to promises in conveyance or other instruments relating to real estate.

Cul-de-sac - A local right-of-way with only one outlet that terminates in a vehicular turnaround and having an appropriate terminal for the safe and convenient reversal of traffic turnaround.

Day Care - The providing of care and supervision of children or adults as a supplement to regular parental or home care, without transfer of legal custody or placement for adoption, with or without compensation, on a regular basis for a part of a day.

Day Care Center - Any type of group day care programs including nurseries for children of working parents, nursery schools for children under minimum age for education in public schools, parent cooperative nursery schools, playgroups for pre-school children, programs covering after-school care for school children provided such establishment is licensed by the State and conducted in accordance with State requirements.

Day Care, Family - The provision of regular care and supervision of no more than twelve (12) children including the provider's own children who are under the age of six (6) years for part of a twenty-four (24) hour period as a supplement to regular parental care.

Day Care, Group Family Home - The provision of regular care and supervision of thirteen (13) to twenty (20) children either in the provider's home or in a facility outside the provider's home for part of a twenty-four (24) hour period as a supplement to regular parental care.

Deck - A structure abutting a dwelling with no roof or walls except for visual partitions and railings that is constructed on piers or a foundation above-grade for use as an outdoor living area.

Developer - The owner of the property being platted or replatted or the person designated by the owner as being responsible for the development of the property. The terms "subdivider" and "developer" are synonymous and used interchangeably, and shall include any person, partnership, firm, association, corporation and/or any officer, agent, employee and trustee thereof who does or participates in the doing of any act toward the subdivision of land within the intent, scope and purview of this Ordinance. The developer shall also be defined as the builder or contractor if they are responsible for the construction of buildings and/or structures or permanent improvements.

Directional Sign - A sign erected for the convenience of the public, such as directing traffic movement, parking or identifying restrooms, public telephones, walkways and other similar features or facilities and bearing no advertising in the message.

Domesticated Large Animals - Any animal that through long association with man, has been bred to a degree which has resulted in genetic changes affecting the temperament, color, conformation or other attributes of the species to an extent that makes it unique and different from wild individuals of its kind. For the purpose of this ordinance the definition shall include, but is not limited to, animals commonly raised on farms and ranches, such as cattle, horses, hogs, sheep, and mules.

Dormitory - A building or part of a building operated by an institution and containing a room or rooms forming one or more habitable units which are used or intended to be

used by residents of the institution for living and sleeping, but not for cooking or eating purposes.

Double Faced Sign - An off-site or on-site sign with two adjacent faces oriented in the same direction and not more than 10-feet apart at the nearest point between the two faces.

Drive-in Restaurant or Refreshment Stand - Any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on the premises.

Due Diligence - Such a measure of prudence, activity, or assiduity, as is properly to be expected from, and ordinarily exercised by, a reasonable and prudent man under the particular circumstances; not measured by any absolute standard, but depending on the relevant facts of the special case.

Dwelling - A building or portion of a building designed for residential purposes, including one and two family dwellings, but not including hotels, motels or lodging houses.

Dwelling Unit - A room or suite of rooms designed for and occupied by one family and having not more than one kitchen facility.

Dwelling, Efficiency Unit - A dwelling unit having only one room exclusive of bathroom, kitchen, laundry, pantry, foyer, communicating corridor, closets, or any dining alcove. An efficiency unit shall be permitted in a multi-family dwelling.

Dwelling, Multiple Family - A residential building designed for, or occupied by, three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling, Single Family - A detached residential dwelling unit other than a manufactured home designed for or occupied by one (1) family only.

Dwelling, Two Family - A building containing two dwelling units designed exclusively for occupancy by two families living independently of each other.

Easement - Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of their property. For the purposes of this Ordinance the term shall primarily be used to describe utility access.

Employee(s) - In regard to off right-of-way parking requirements, all who work in the enterprise, including owners.

Exhibition Areas - A building, group of buildings, or place where art, objects, articles, or livestock or agricultural projects are placed on display for the public.

Extraterritorial Zoning Jurisdiction - The area illustrated within the Official Zoning Map of Yankton County not exceeding one (1) mile in width immediately adjoining the City of Yankton.

Facility - A building, piece of land or any combination thereof owned and operated by the same owner and dedicated to a specific use or uses. The term shall include those operations where indoor and outdoor activities may be conducted in concert and are integral or compliment the operation as a whole. An example may be an automobile dealership with office spaces, a small indoor display area, separate maintenance facility, and an outdoor display area.

Fairground - An agricultural fairground where farm produce is on display for judging and for sale, and livestock shows, horseracing and other sports events are held and on occasion for auctions, flea markets and concession stands.

Family - Any number of individuals living together as a single housekeeping unit, in which not more than five (5) individuals are unrelated by blood, marriage or adoption. This definition shall not include foster families as regulated by the State.

Farm Building - All buildings and structures needed in agricultural operation, including dwellings for owners, operators, farm laborers employed on the farm, and other family members.

Farm Drainage Systems - The term shall include all waterways, ditches, flood control, watershed, and erosion control structures and devices provided each individual system or structure comply with the applicable local, state, and federal regulations.

Farm Occupation - A business activity customarily carried out on a farm by a member of the occupant's family without structural alterations in the building or any of its rooms, without the installation or outside storage of any machinery, equipment or material other than that customary to normal farm operations, without the employment of more than two (2) persons not residing in the home, which does not cause the generation of additional traffic in the area. Farm occupations include, but are not limited to, seed sales and custom combining support facilities.

Farm Unit - All buildings and structures needed in an agricultural operation, including dwellings for owners, operators, and other family members.

Farm, Hobby - An activity carried out in rural residential areas, which includes the planting, cultivating, harvesting and storage of grains, hay or plants, fruits, or vineyards. The raising and feeding of livestock and poultry shall be considered as part of a hobby farm if the area, in which the livestock or poultry is kept, is one (1) acre or more in area for every one (1) animal unit, and if such livestock does not exceed ten (10) animal units.

Farm, Ranch, Orchard - An area of not less than twenty (20) acres of unplatted land, or is a part of a contiguous ownership of not less than eighty (80) acres of unplatted land, which is used for growing usual farm products, vegetables, fruits, trees, and grain, and for the raising thereon of the usual farm poultry and farm animals such as horses, cattle, hogs and sheep, and including the necessary accessory uses for raising,

treating, and storing products raised on the premises; but excluding an Animal Feeding Operation. The processing and storage of raw agricultural products, such as grain elevators and ethanol plants, shall not be considered a farm, ranch or orchard if such constitutes the main or principal use on the lot or parcel.

Farmstead - A place with empirical evidence of a previous farmstead including at a minimum foundations, structures, or a tree belt. For the purposes of this ordinance the Zoning Administrator or Planning Commission shall determine the eligibility of a farmstead as a building site as described within Section 513(3).

Fence - An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

Financial Institutions - The premises of a bank, trust, finance, mortgage, or investment company.

Fireworks, Sales - A building, structure, or place where fireworks are sold, pursuant to all applicable state statutes.

Fishery - As defined by South Dakota Administrative Rules, Sections 74:51:02:02 and 74:51:02:03 (January 17, 1999). Yankton County as described in Section 74:51:02:68.

- Lakes Marindahl and Yankton (Section 74:51:02:03(4)) are warm water permanent fish life propagation waters;
- State or Beaver Lake and Westside Kid's Pond (Section 74:51:02:03(6)) are warm water marginal fish life propagation waters.
- The Missouri River (Section 74:51:03:05(1,4,7,8,11)) is a domestic water supply, warm water permanent fish life propagation waters, immersion recreation waters, limited contact recreation waters, and commerce and industry waters.
- James River (Section 74:51:03:20(5,8)) is a warm water semi permanent fish life propagation waters and limited contact recreation waters;
- Beaver Creek, Mud Creek (Section 74:51:03:20(6, 8)), Clay Creek, and Turkey Creek (Section 74:51:03:25(6, 8)) are warm water marginal fish life propagation waters and limited contact recreation waters.

Flammable or Combustible Liquids, or Hazardous Material - Flammable material is any material that will readily ignite from common sources of heat, or that will ignite at a temperature of 600° F or less. Flammable liquid is any liquid having a flash point below 100°F and having vapor pressure not exceeding forty (40) pounds per square inch (absolute) at 100°F. Combustible liquid is any liquid having a flash point at or above 100°F. Hazardous material includes any flammable solids, corrosive liquids, radioactive materials, oxidizing materials, highly toxic materials, poisonous gases, reactive materials, unstable materials, hyperbolic materials, pyrophoric materials, and any substance or mixture of substances which is an irritant, a strong sensitizer or which generates pressure through exposure to heat, decomposition or other means.

Flood or Flooding - A general and temporary condition of partial or complete inundation of normally dry land areas from:
1. The overflow of wetlands, lakes, streams, tributaries, or other water bodies; and/or
2. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Hazard Boundary Map (FHBM) - The official map issued by the Federal Insurance Administration where the areas of special flood hazard have been designated Zone A.

Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without an accumulative increase in the water surface.

Food Product Processing Facility - A commercial establishment in which food or food-related products are processed, packaged, or otherwise prepared for human consumption but not consumed on the premises.

Footprint – The land area covered or occupied by a building and a facility as defined herein. The term shall also include any land area dedicated to a use such as outdoor storage or any area utilized for storage, display, or livestock confinement as part of or in support of the building or use.

Game Farm - An area of five (5) acres or more, which is used for producing hatchery, raised game and non-domestic animals for sale to private shooting preserves.

Game Lodge - A building or group of detached, or semi-detached, or attached buildings occupied or used as a temporary abiding place of sportsmen, hunters and fishermen, who are lodged, with or without meals, and in which there are more than two (2) sleeping rooms.

Gaming Device or Gaming Equipment - Any mechanical contrivance or machine used in connection with gaming or any game.

Gaming or Gambling - The dealing, operating, carrying on, conducting, maintaining, or exposing for pay of any game.

Gaming or Gambling Establishment - Any premises wherein or whereon gaming is done.

Garage - An accessory building or portion of a building including a carport which is designed or used for the sheltering of private motor vehicles and the storage of household equipment incidental to the residential occupancy and in which there are no facilities for repairing or servicing of such vehicles for remuneration or commercial use.

Garage, Public - A building or portion thereof used for the housing or care of motor vehicles for the general public or where such vehicles are equipped or repaired for remuneration or kept for hire or sale. This may include premises commonly known as “gasoline stations” or “service stations”.

Gasoline Station - Any area of land, including structures thereon, that is used for the sale of gasoline or other motor vehicle fuel, and oil or other lubrication substances; and which may include facilities used or designed to be used for polishing, greasing, washing, spraying, dry cleaning, or otherwise cleaning such vehicles.

Golf Course - A public or private area operated for the purpose of playing golf, and includes a par 3 golf course, club house and recreational facilities, driving ranges, and miniature golf courses, and similar uses.

Grain Elevator - Grain storage facilities, which are the principal and primary use of the lot. Said facilities are generally equipped with devices for housing and discharging significant quantities of grain. This definition does not include normal farm product storage and warehousing facilities such as grain bins and where such storage is an accessory use to the parcel.

Grandfather - For the purposes of this ordinance the term "grandfather" shall be defined as a lay term used to describe structures, land uses, facilities, operations or similar activities in existence prior to adoption of the zoning ordinance. The term is generally applied to uses not allowed or further regulated within the new ordinance. The act or condition of grandfathered is more fully addressed in the nonconforming Article herein.

Greenhouse, Commercial - A building for the growing of flowers, plants, shrubs, trees, and similar vegetation which are not necessarily transplanted outdoors on the same lot containing such greenhouse, but are sold directly from such lot at wholesale or retail.

Group Home - See Residential Care Facility.

Highway - Every way or place of whatever nature open to the public, as a matter of right, for purposed of vehicular travel, is a highway. The term "highway" shall also include private access easements and roadways.

Home Occupation - A business activity customarily carried on in the home by a member of the occupant's family without structural alterations in the building or any of its rooms, without the installation or outside storage of any machinery, equipment or material other than that customary to normal household operations, without the employment of more than two (2) persons not residing in the home, which does not cause the generation of traffic in excess of that experienced on an average right-of-way of similar design, noise, electrical interference, fumes, odors, etc.

Horticulture - The science or art of cultivating fruits, vegetables, flowers, and plants.

Horticulture Sales - The on-site retail sale of farm produce, floral, fauna, or similar items. The majority of the produce sold shall be seasonal in nature and grown on-site. An exception may be a cooperative venture between numerous producers.

Hospital - An institution devoted primarily to the operation of facilities of the diagnosis, treatment, and cure of disease, illness, injury, or other abnormal physical conditions with provisions for keeping patients overnight.

Hotel - An establishment of transient guests having sleeping rooms without individual cooking facilities for more than six (6) persons for compensation and may or may not provide meals.

Interchange - A grade-separated intersection with one (1) or more direct connections for vehicular travel between the intersecting right-of-ways.

Irrigation Systems - This term shall include all canals, ditches, piping, center pivot, and other methods utilized to irrigate cropland. This term does not include systems designed to land apply waste or water from animal feeding operations as defined herein. All irrigation systems shall comply with local, state, and federal regulations.

Junkyard - A place where non-recyclable waste, having no economic values, or waste, which is recyclable, but has no chance of being recycled is deposited.

Kennel - Any place where more than twenty (20) dogs, cats, or other domesticated animals of breeding age are housed, groomed, bred, boarded, trained, harbored, kept, or sold for commercial purposes.

Lagoon - Any pond, basin, or other impoundment made by excavation or earthen fill for storage or treatment of human sewage or animal waste.

Landing Strip - A strip of ground used or capable of being used for the landing and take-off of aircraft.

Loading Area - A completely off right-of-way, space, or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public right-of-way.

Loading Space, Off Right-of-Way - Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off right-of-way loading space is not to be used as off right-of-way parking space in computation of required off right-of-way parking space.

Locker - A meat processing plant and any other facility where meat, poultry or eggs are cooked, cured, smoked, or otherwise processed or packed, provided that all activities are carried out indoors. This term shall not include a delicatessen, stockyard, slaughterhouse, tannery, a poultry killing establishment, an animal food factory, or an animal by-products plant.

Lot - For purposes of this ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public right-of-way, or on an approved private right-of-way, and may consist of a single lot of record; a portion of a lot of record; a combination of complete lots of record, of complete lots of record and portions of lots of record, a parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this ordinance.

Lot Coverage - The percent of the area of a lot occupied by buildings, or structures, including accessory building or structures.

Lot Depth - The average horizontal distance between the front and rear lot lines.

Lot Frontage - The portion of the lot nearest the right-of-way**;** for the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to right-of-ways shall be considered frontage, and yards shall be provided as indicated under "Yards" in this ordinance.

Lot Frontage, Pie Shaped - A lot usually abutting a cul-de-sac. For the purpose of determining frontage, said distance shall be measured perpendicularly to the said lot lines at a point thirty (30) feet from the front line.

Lot Line - The legally defined limits of any lot.

Lot, Corner - A lot situated at the intersection of two (2) right-of-ways, the interior angle of such intersection not exceeding one hundred thirty five (135) degrees.

Lot, Double Frontage - A lot having frontage on two (2) non-intersecting right-of-ways, as distinguished from a corner lot.

Lot Line, Exterior - The side lot line, which abuts the right-of-way on a corner lot.

Lot Line, Rear - The lot line or point of intersection of the side lot lines farthest from and opposite the front lot line.

Lot Line, Side - A lot line other than a front or rear lot line.

Lot of Record - A lot which is part of a subdivision recorded in the office of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded. For the purposes of this Ordinance, a legally transacted parcel prior to adoption may be considered as a lot of record.

Lot Width - The mean horizontal distance between the side lot lines of a lot measured at right angles to the depth or the same distance measured at the front building line.

Lot, Corner - A corner lot is defined as a lot located at the intersection of two (2) or more right-of-ways. A lot abutting on a curved right-of-way(s) shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (l35) degrees.

Lot, Interior - An interior lot is defined as a lot other than a corner lot with only one frontage on a right-of-way.

Lot, Through - A through lot is defined as a lot other than a corner lot with frontage on more than one right-of-way. Through lots abutting two right-of-ways may be referred to as double frontage lot.

Lot, Reversed Frontage - A reversed frontage lot is defined as a lot on which the frontage is at right angles or approximately right angles, interior angle less than one hundred thirty-five (135) degrees, to the general pattern in the area. A reversed frontage lot may also be a corner or a through lot.

Major Road Plan - The Transportation Plan in the Yankton County Comprehensive Plan.

Major Recreational Equipment - Major recreational equipment is defined as including boats and boat trailers, travel trailers, pick-up campers or coaches, designed to be mounted on automotive vehicles, motorized dwellings, tent trailers, and the like, and case or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

Manufactured Home - A moveable or portable dwelling which is eight (8) feet or more in width and thirty-two (32) feet or more in length, constructed on a chassis, and which is designed to be towed, designed for year-round occupancy, primarily to be used without a permanent foundation, but which may sit on a permanent foundation, and designed to be connected to utilities. It may consist of one or more units, separately transportable, but designed to be joined together into one integral unit. Manufactured homes are built according to the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976. Manufactured homes are not mobile homes.
The following shall not be included in this definition:

1. Travel trailers, pickup coaches, motor homes, camping trailers, or other recreational vehicles.
2. Manufactured modular housing which is designed to be set on a permanent foundation, and which uses standard sheathing, roofing, siding, and electrical, plumbing, and heating systems.

Manufactured Home Park - A parcel of land under single ownership, which has been planned and improved for the placement of, manufactured homes for non-transient use.

Manufacturing - The use of land, buildings or structures for the purpose of manufacturing, assembly, making, preparing, inspecting, finishing, treating, altering, repairing, warehousing or storing or adapting for sale of any goods, substance, article, thing or service.

Manufacturing Light - The use of land, buildings or structures for the purpose of manufacturing, assembly, making, preparing, inspecting, finishing, treating, altering, repairing, warehousing or storing or adapting for sale of any goods, substance, article, thing or service. Light manufacturing shall have no more than ten employees.

Massage Establishment - Any premises or part thereof where massages are given, offered or solicited in pursuance of a trade or calling, business or occupation provided that the service is rendered by a person duly trained, licensed and registered under the appropriate statute.

Mobile Home - A transportable, factory-built home, designed to be used as a year-round residential dwelling and built prior to the enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976.

Modular Home - A structure or building module that is manufactured at a location other than the site upon which it is installed and used as a residence; transportable in one or more sections on a temporary chassis or other conveyance device; and to be used as a permanent dwelling when installed and placed upon a permanent foundation system. This term includes the plumbing, heating, air conditioning, and electrical systems contained within the structure.

Motel - A group of attached or detached buildings on the same lot containing sleeping quarters for rental to transients.

Motor Vehicle Track or Play Area - An area of land utilized for the racing or recreational riding of motor vehicles with or without a defined area or track. The term may include a racetrack with spectators and an established racing affiliation or a day use area utilized by a club, group, or independent individuals. A motor vehicle may include cars, trucks, motorcycles, all-terrain vehicles or similar items.

Museum - A building or buildings used, or to be used, for the preservation of a collection of paintings and/or other works of art, and/or of objects of natural history, and/or of mechanical, scientific and/or philosophical inventions, instruments, models and/or designs and dedicated or to be dedicated to the recreation of the public, together with any libraries, reading rooms, laboratories and/or other offices and premises used or to be used in connection therewith.

Navigable Waters - A body of water presently being used or is suitable for use for transportation and commerce, or if it has been so used or was suitable for such use in the past, or if it could be made suitable for such use in the future by reasonable improvements.

Nonconforming Lot - A lot of record existing on the date of passage of this ordinance which does not have the minimum width or contain the minimum area for the zone in which it is located.

Nonconforming Structure - A lawful structure which exists on the date of passage of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yard setbacks, or other characteristics of the structure.

Nonconforming Use - A land use or building or structure or portion thereof lawfully existing at the effective date of this ordinance or at the time of any amendment thereto, which does not conform to the regulations of the zone in which it is located.

Noxious - When used with reference to any use or activity in respect of any land, building or structure or a use or activity which, from its nature or from the manner of carrying on same, creates or is liable to create, by reason or destructive gas or fumes, dust, objectionable odor, noise or vibration or unsightly storage of goods, wares, merchandise, salvage, machinery parts, junk, waste or other material, a condition which may become hazardous or injurious as regards to health or safety or which prejudices the character of the surrounding area or interferes with or may interfere with the normal enjoyment of any use of activity in respect of any land, building or structure.

Nuisance - Any condition existing that is or may become injurious or dangerous to health or that prevents or hinders or may prevent or hinder in any manner the suppression of a disease.

Nursery - A facility confining a specific number of small and/or young swine averaging ten (10) to fifty five (55) pounds in size.

Nursing Home, Rest Home, Convalescent Home - A place which undertakes through its ownership or management to provide maintenance, personal, or nursing care for three or more persons who by reason of illness, physical deformity, or old age are unable to care for themselves.

Obstruction - Any structure or vegetation that blocks the complete vision of people.

Off-Site Sign - A sign/billboard that advertises goods or services not available at the location of the billboard or advertising sign.

Office - A building or part thereof, designed, intended or used for the practice of a profession, the carrying on of a business, the conduct of public administration, or, where not conducted on the site thereof, the administration of an industry, but shall not include a retail commercial use, any industrial use, clinic, financial institution or place of amusement or place of assembly.

On-Site Sign - A sign identifying an establishment's activities, products or services conducted or available on the property upon which it is located and signs advertising the sale or lease of the property upon which they are located**.**

Open Sales Area - Any open land or area used or occupied for the purpose of displaying for sale new or secondhand merchandise, including but not limited to, passenger cars or trucks, farm machinery, construction machinery, motor scooters or motorcycles, boats, trailers, aircraft, and monuments.

Outdoor Storage Area - Any open land or area used for the purpose of storage of any product or part of a product either before, during, or after manufacturing, servicing, or repairing and not displayed for retail sale. This does not include open sales areas.

Owner - The record owners of the fee or a vendee in possession, including any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided.

Ownership Line - A line defining ownership of property under one owner of record.

Parcel - A legally defined piece of property including a platted lot, legally described portion, or similarly described piece of property primarily used as an identifier within taxation.

Park - An area consisting largely of open space, which may include a recreational area, playground, or similar use but shall not include a mobile home park, a campground or trailer park.
Parking Space - An off right-of-way space available for parking of a motor vehicle and which is held to be an area for dimension of which are ten (10) feet by twenty (20) feet or which covers two hundred (200) square feet, exclusive of passageways and driveways appurtenant thereto and giving access thereto. Off right-of-way parking shall be on or adjacent to the property on which the principal use is located.

Parking Space, Off Right-of-Way - For the purposes of this ordinance, an off right-of-way parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a right-of-way and maneuvering room. Required off right-of-way parking areas for three (3) or more automobiles shall have individual spaces marked, and shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any right-of-way, and so that any automobile may be parked and un-parked without moving another. For purposes of rough computation, an off right-of-way parking space and necessary access and maneuvering may be estimated at three hundred (300) square feet, but off right-of-way parking requirements will be considered to be met only when actual spaces meeting the requirements above are provided and maintained, improved in a manner appropriate to the circumstances of the case, and in accordance with all ordinances and regulations of the County.

Pawnshop - An establishment where money is loaned on the security of personal property pledged in the keeping of the pawnbroker.

Performance Standards –
Criterion established for the purposes of:

1. Assigning proposed land uses to proper districts; and
2. Controlling noise, odor, glare, smoke, toxic matter, aesthetics, vibration, fire/explosive hazards generated by, or inherent in, uses of land or buildings.

Permitted Use - A use by right, which is specifically authorized in a particular zoning district.

Person - Any individual or group of individuals, or any corporation, general or limited partnership, joint venture, unincorporated association, or governmental or quasi-governmental entity.

Places of Assembly - Places where people gather or congregate for amusement, worship, learning, etc. This includes schools, churches, theaters, playgrounds, etc.

Plat - a map, or representation on paper, of a piece of land subdivided into lots, parcels, tracts or blocks, including roads, commons, and public grounds, if any, all drawn to scale and complete with all irrevocable offers of dedication.

Planning Commission - The Planning Commission of Yankton County. The term Planning Commission shall be synonymous with Planning and Zoning Commission and Commission, but shall not include Board of Adjustment or Zoning Board.

Planning Official: The Planning (Zoning) Administrator and his/her designee charged with the administration and enforcement of the Yankton County Zoning Ordinance.

Plaza - A public square or similar open area.

Portable Processing Plant - Any equipment for the crushing, screening or washing of sand and gravel aggregate materials, but not including a concrete batching plant or an asphalt plant, which equipment is capable of being readily drawn or readily propelled by a motor vehicle and which equipment is not considered permanently affixed to the site.

Principal Use - The main use of land or structures as distinguished from a secondary or accessory use.

Private Recreation Area - Any open space or recreational area, other than a public park, owned and operated or maintained in whole or in part for profit by a private individual(s), club or fraternal organization for members only, and may include therein one or more of the following activities: swimming, boat facilities, picnic area, tennis courts, outdoor skating rinks, athletic fields, walking, riding and cross-country skiing, snowmobiling, but does not include the racing of animals, motor vehicles, motorcycles or snowmobiles.

Private Shooting Preserves - An acreage of at least one hundred and sixty (160) acres and not exceeding one thousand two hundred and eighty (1,280) acres either privately owned or leased on which hatchery raised game and/or larger game is released for the purpose of hunting, for a fee, over an extended season.

Property Line - The division between two parcels of land, or between a parcel of land and the right-of-way.

Public - Promotion of a public cause or service, including utilities having a franchise from Yankton County or other governmental entity, but excluding other for-profit organizations.

Public Building - Any building which is owned, leased, primarily used, and/or primarily occupied by a school district or municipal, county, state, or federal government, or any subdivision or agency of the school district, municipal, county, state, or federal government.

Publicly Traded Company - For purposes of this Ordinance a “publicly traded company” means a company, the shares or other interests in which are regularly traded on the New York Stock Exchange, the American Stock Exchange, NASDAQ or similar recognized security market.

Quarry - A place where consolidated rock has been or is being removed by means of an open excavation to supply material for construction, industrial, or manufacturing purposes, but does not include a wayside quarry or open pit metal mine.

Ranch Building - See Farm Building.

Ranch Occupation - See Farm Occupation.

Ranch Unit - See Farm Unit.

Recreational Equipment - The term recreational equipment shall include boats and boat trailers, jet skis, snowmobiles, travel trailers, pick-up campers or coaches, designed to be mounted on automotive vehicles, motorized dwellings, tent trailers, and the like, and case or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

Recycling Center - A building in which used material is separated and processed prior to shipment to others who will use those materials to manufacture new products.

Remote Fuel Depots - A structure, usually unmanned, that is used for the sale of gasoline, diesel, or other motor vehicle fuel.

Rent-All Shop - A building or part of a building where residential and commercial equipment is kept for rental to the general public and includes such things as lawn and garden tools, floor cleaning equipment, masonry tools, painting and decorating equipment, moving tools, plumbing tools and power tools.

Repair Shop, Auto Body - A general industrial establishment for the repair of damage to a motor vehicle caused by collision, accident, corrosion or age, and, without limiting the generality of the foregoing, includes the reconstruction of motor vehicles, the painting or repainting of motor vehicles and the rebuilding or conversion of automotive engines or engine parts, but does not include a motor vehicle repair shop, an impounding yard, an automobile service station or a gas station.

Repair Shop, Motor Vehicle - A service commercial or general industrial establishment for the repair or replacement of parts in a motor vehicle and without limiting the generality of the foregoing, shocks, transmissions, gears, brakes, clutch assemblies, steering assemblies, radiators, heating or cooling systems, ignition systems, mechanical or electrical parts or systems, the installation of undercoating, engine tuning, lubrication and engine conversion or replacement, but does not include an auto body repair shop, an impounding yard, an automobile service station or a gas station.

Residential Care Facility - A family home, group care facility, or similar facility for twenty-four (24) hour non-medical care of persons in need of personal services, supervision or assistance for sustaining the activities of daily living or for the protection of the individual.

Restaurant - A business establishment consisting of a kitchen and dining room, whose primary purpose is to prepare and serve food to be eaten by customers seated in the dining room.

Restaurant, Drive-In - A business establishment consisting of a kitchen, with or without a dining room, where food is prepared and packaged to eat either off the premises or within automobiles parked on the premises.

Restaurant, In-House - A private business establishment consisting of a kitchen, with or without a dining room, whose primary purpose is to prepare and serve food to be eaten by employees of the principal employer. For the purposes of this ordinance, the term "cafeteria" shall be synonymous with "Restaurant, In-House."
Rest Home - See Nursing Homes.

Retail Sales - A building where goods, wares, merchandise, substances, articles, or items are offered or kept for sale at retail, including storage of limited quantities of such goods, wares, merchandise, substances, articles, or items sufficient only to service such store.

Retail Store - A building where goods, wares, merchandise, substances, articles or items are offered or kept for sale at retail, including storage of limited quantities of such goods, wares, merchandise, substances, articles or items sufficient only to service such store.

Retaining Wall - A structure constructed to hold back or support an earthen bank.

Riding Stable - Any place that has more than fifteen (15) stalls or horse spaces to board, train, or provide recreational equine activities.

Right-of-Way ; ROW - An area of land that is legally described in a registered deed for the provision of public access within which there is usually a road or street. The term right-of-way shall include any defined access route or point including but not limited to public and private accesses, road easements, streets, roads, and drives other than a private drive serving a single owner.

Right-of-Way Line - A dividing line between a lot, tract, or parcel of land and the public right-of-way.

Roadside Stand - A structure having a ground area of not more than three hundred (300) square feet, not permanently fixed to the ground, readily removable in its entirety, not fully enclosed and to be used solely for the sale of farm products produced on the premises, bait, and other approved products.

Rodeo Grounds - A building or place where rodeo events such as roping and riding are done for practice or competition.

Row of Trees - Ten (10) or more trees planted in a line, separated by a distance of forty (40) feet or less.

Running Gear - The parts which allow a manufactured home to be mobile including the tires, wheels, axles, running lights, and hitch. This definition shall include all mobility items exclusive of the parts of the chassis that make up the structural integrity of the manufactured home.

Salvage Yard - The use of more than seven hundred fifty (750) square feet of open storage on any lot, portion of lot, or tract of land for the sale, storage, keeping, or for the abandonment, dismantling, or wrecking of automobiles or other vehicles, machines, or parts thereof.

Satellite Dish/Receiver - A device incorporating a reflective surface that is solid, open mesh, or bar configured and is the shape of a shallow dish or cone designed and used for the reception of television signals related back to earth from a terrestrially and/or orbital based communications satellite.

School, Boarding - A school under the sponsorship of a private agency, corporation, or religious entity, having a curriculum generally equivalent to public elementary or secondary schools, accredited by the State of South Dakota and provides room and board for its students; but excluding private trade or commercial schools. "Day Care Centers" as herein defined, shall not be considered schools as applicable to this definition.

School, Denominational or Private - A school under the sponsorship of a private agency, corporation, or religious entity, having a curriculum generally equivalent to public elementary or secondary schools and accredited by the State of South Dakota; but excluding private trade or commercial schools. "Day Care Centers" as herein defined, shall not be considered schools as applicable to this definition.

School, Public - A school under the sponsorship of a public agency providing elementary or secondary curriculum, and accredited by the State of South Dakota; but excluding private trade or commercial schools.

School, Trade or Commercial - An establishment other than an accredited or licensed public, private or denominational school, offering training or instruction in art, occupation or trade.

Screening - A continuous fence, wall, compact evergreen hedge or combination thereof, supplemented with landscape planting, which would effectively screen the property which it encloses, and is broken only by access drives and walks.

Secondhand Shop - The use of land, or building or structure or part thereof where used goods, wares, merchandise, substances, or articles are offered or kept for sale but shall not include a pawnshop.

Security Dwelling Unit - A building or portion thereof designed for occupancy by a security employee.

Self-Storage Warehouse - A building containing separate, individual self-storage units divided from the floor to the ceiling by a wall with an independent entrance from the exterior of the building, designed to be rented or leased on a short-term basis to the general public for private storage of personal goods, materials and equipment.

Semi-Portable Agricultural Structures - Anything that requires placement on the ground for agriculture related purposes. Semi-portable agricultural structures include, but are not limited to, feed bunks, calving, lambing, or farrowing sheds, and temporary grain storage facilities.

Services - Establishments, primarily engaged in providing services for individuals, business and government establishments and other organizations, including hotels and

other lodging places, establishments providing personal business, repair, and amusement services, health, legal, engineering, and other professional services, educational institutions, membership organizations, and other miscellaneous services.
Service Establishment - Establishments primarily engaged in providing services for individuals, business and government establishments and other organizations, including hotels and other lodging places, establishments providing personal business, repair, and amusement services, health, legal, engineering, and other professional services, educational institutions, membership organizations and other miscellaneous services.

Setback - The minimum horizontal distance from a lot line, to a wall of the building, exclusive of permitted projections. The setback shall be measured at right angles to such lot lines.

Shelterbelt - Five or more rows of trees and/or shrubs that reduce erosion and protects against the effects of wind and storms.

Shelterbelt Restoration - The removal and replacement of two or more rows of trees or of trees totaling one-half acre or more, whichever is greater, in an existing shelterbelt.

Side Wall - The measurement from the highest point of the finished floor at grade to the height of the highest point of wall framing.

Sight Triangle - See “Traffic Visibility Triangle”.

Signs/Billboards - Any sign defined in this ordinance which displays or conveys any identification, description, illustration, or device illuminated or non-illuminated, which directs attention to a product, service, business activity, institution, business or solicitation, including any permanently installed or situated merchandise, or any emblem, painting, banner, pennant or placard designed to advertise, identify or convey information, with the exception of window displays.

Sign Structure - The sign face and support members that are permanently affixed to the ground or attached to a structure.

Sign - Any device designed to inform or attract the attention of persons not on the premises on which the sign is located, provided, however, that the following shall not be included in the application of the regulations herein:

1. Signs not exceeding one (1) square foot in area and bearing only property numbers, post office box numbers, names of occupants of premises, or other identification or premises not having commercial connotations;
2. Flags and insignias of any government, except when displayed in connection with commercial promotion;
3. Legal notices, identification, informational, or directional signs erected or required by governmental bodies;
4. Integral decorative or architectural feature of buildings, except letters, trademarks, moving parts, or moving lights; and
5. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

Sign, Banner - A temporary sign, which has a maximum area of twelve (12) square feet, composed of lightweight material either enclosed or not in a rigid frame, secured or mounted so as to allow movement of the sign caused by movement of the atmosphere (i.e., pennants, twirling signs, balloon, or other gas-filled figures, ribbons, or other similar moving devices) and intended to be displayed for a limited period of time.

Sign, Bulletin Board - An exterior sign, which has a maximum area of thirty-five (35) square feet, used by public, charitable, and religious institutions for the purpose of informing the public about activities of their organization.

Sign, Directional Off-Site - An exterior sign that is generally informational, that has a purpose secondary to the use of the primary use on a property that is not adjacent to the property on which the directional off-site sign exists. Said sign shall include only those signs placed by a political subdivision and shall include those signs standardized by the South Dakota Department of Transportation.

Sign, Directional On-Site - An exterior sign that is generally informational, that has a purpose secondary to the use of the property on which it is located, such as "no parking," "entrance," and "loading only." Said sign shall conform to standards adopted or approved by the regulating public agency.

Sign, Easement and Utility - An exterior sign, which has a maximum area of five (5) square feet, used to identify the location of easements, property lines, utilities, hazards, or otherwise providing notice of restrictions on public access.

Sign, Exterior On-site - An exterior sign relating in subject to the premises upon which it is located, or to products, accommodations, services, or activities on the premises. Exterior on-site signs do not include signs erected by outdoor advertising industry in the conduct of the outdoor advertising business, such as billboards, which are off-site signs.

Sign Facing - That portion of a sign structure upon which advertising is affixed or painted and visible in one direction at one time.

Sign, Flag - Any fabric or bunting containing distinctive colors, patterns, or symbols, which has a maximum area of twenty (20) square feet and is used as a symbol of government, political subdivision, or other entity.

Sign, Ground and Monument - An exterior sign permanently attached to the ground to identify churches, schools, institutional, and public uses. Said sign may also identify a specific neighborhood by displaying the name of the tract. Ground and monument signs:

1. Are generally constructed of concrete or other masonry material;
2. Shall not exceed twenty (20) feet in height above the mean right-of-way centerline or grade;
3. Shall meet a minimum of one-half (½) of the yard requirements for the district in which it is located; and

4. Shall not exceed one hundred (100) square feet on one (1) side or two hundred (200) square feet on all sides of any one (1) premise.

Sign, Mounted Wall - A sign, which has a maximum area of one hundred (100) square feet, that is attached to or erected against a wall of a building and shall project no more than twelve (12) inches from the wall of the building. Said sign is intended to be read from directly in front of the face of the building.

Sign, Name and Address Plate - A sign, which has a maximum area of two (2) square feet, that is affixed to the side of a building informing the public as to the residents, occupation, and/or address of the building.

Sign, Off-Site - A sign other than an on-site sign. Off-site signs are conventionally know as billboards regardless of size.

Sign, Portable - Any sign, which has a maximum area of twenty (20) square feet, not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A or T-frames; menu and sandwich board signs. Signs attached to or painted on vehicles parked and visible from the public right-of-way shall not be included in this definition and shall be prohibited unless said vehicle is used in normal day-to-day operations of the business. Said sign is intended to be displayed for a limited period of time.

Sign, Projecting - Any sign, which has a maximum area of one hundred (100) square feet, that is affixed to a building or wall in such a manner that its face is perpendicular to the face of the building and the sign extends more than twelve (12) inches beyond the surface of such building or wall.

Sign, Real Estate - An exterior sign for the purpose of advertising the sale, rental, lease of real property. Said sign is located on the premises for sale, rental, or lease and shall be of a temporary nature and shall have a maximum area of four (4) square feet except in the Commercial, Highway Commercial, or Industrial Districts where the maximum area shall be thirty-two (32) square feet.

Sign, Roof - Any sign, which has maximum area of three hundred (300) square feet that is erected upon, against, or directly above a roof or on top of the parapet of a building.

Street - A right-of-way established by a recorded plat to provide the primary means of access to abutting property. The term shall also include the term “road” or other similar means of conveyance or access.

Street Line - The right-of-way line of a street.

Street, Arterial - A public street or highway intended to be used primarily for fast or heavy through traffic.

Structure - Anything constructed or erected which requires location on the ground, or attached to something having a fixed location on the ground. Among other things,

structures include, but are not limited to, buildings and manufactured homes. This definition does not include semi-portable agricultural structures.
Structural Alterations - Any change in the supporting members of a structure such as bearing walls, columns, beams or girders, foundations and poles. See Building, Alterations of.

Swimming Pool - A water filled enclosure, permanently constructed or portable, having a depth of more than twenty four inches below the level of the surrounding land, or an above ground pool, having a depth of more than thirty inches, designed used and maintained for swimming and bathing.

Swine Production Unit - An operation confining a specific number of female breeding age swine for the purpose of farrowing. The operation shall farrow no more than an average of one-third (1/3) of the total herd at any one time and the total herd shall not farrow more than an average of two and one-half (2 ½) times within a twelve month period. All farrowed swine shall be relocated to an off-site nursery facility, as defined by this ordinance, at approximately ten (10) pounds or said swine shall be calculated as part of the total animal units.

Tank Farm - A facility having two or more storage containers for the transfer of inorganic liquids or gases and from which wholesale sales of fuel to the public is or may be conducted.

Temporary Construction Facilities - Parcels of land or structures where construction or mining support facilities are constructed or placed at or near a job site to provide materials and support mechanisms for construction or mining projects. The term shall include but is not limited to portable offices, signage, trailers, stationary and mobile equipment, and scales. Common uses include portable concrete, processing, or asphalt plants, job site trailers, and areas for equipment parking, material storage or stockpiling. The term temporary shall be flexible yet is generally tied to a related construction project with defined start-up and completion times.

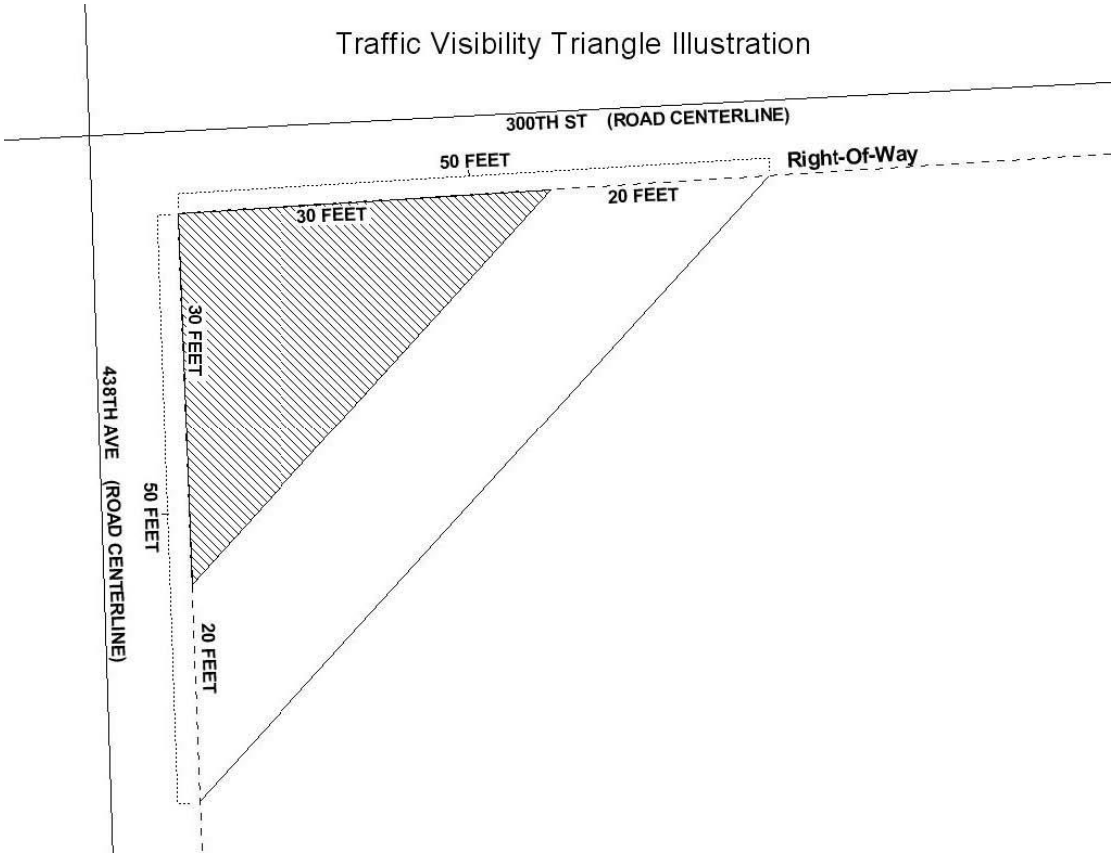
Temporary Signs - Signs and sign structures that are temporary in nature used in conjunction with a specific event, that are placed or erected in such a manner to be easily removed from the property and are not permanently affixed. All political signs shall be considered temporary signs. Temporary signs shall not exceed 32 square feet in size.

Thrift Shop - A shop operated by a charitable organization, which sells, donated used merchandise only. All such merchandise shall be displayed and/or stored in an enclosed building.

Tower - A structure situated on a nonresidential site that is intended for transmitting or receiving television, radio, or telephone communications, excluding those used exclusively for governmental dispatch communications.

Traffic Visibility Triangle - The triangular space formed by the right-of-way lines of a corner lot and driveways with a line drawn from a point in one right-of-way line to a point in the other right-of-way line, each such point being thirty (30) feet from the point of intersection of the right-of-way lines (measured along the right-of-ways

lines). Where the two (2) right-of-way lines do not intersect at a point, the point of intersection of the right-of-way lines shall be deemed to be the intersection of the projection of the right-of-way lines or the intersection of the tangents to the right-of-way lines. In the case of arterial highways intersecting with other arterial highways or railways, the distances establishing the sight triangle shall be increased to fifty (50) feet.



Trailer Park - This definition shall include the following existing trailer courts or parks:

1. Country Acres, legally described as LT C exc LTS H2 & all LT D lane's S/D;

2. Country Liven', legally described as Lot A NE4 SW4 10-93-55;

3. Country View, legally described as LT A & S2 LT B & W30' N2 NE4 NE4 16-93- 55;

4. Sunrise, legally described as Parcel C LT 2 NE4 less LTS H1 & H2 16-93-55;

5. Hansen's Court, legally described as LT D N2 NE4 NE4 less Lot H1 16-93-55;

6. Lakeside Court, legally described as Lakeside SE4 SE4 (10.66 A) 16-93-56;

7. Crosley Court, legally described as Lot 4 truck/trailer S/D 15-93-55;

8. Blue Shak Rentals, legally described as Vera Van Epps Add'n exc Lot H1 & H2 SW4

NW4 (2.47 a) 3-93-55;
9. Marquardts Trail Acres, legally described as Lots 2–4 trail acres Lot G of Gov LT 1 1-93-55;

10. Lakeview, legally described as LTS F1 & F2 Fitzgerald Park & E6' W150' orig. Fitzgerald Park 17-93-56;

11. Black Walnut, legally described as N2 N2 NE4 exc Parcels 17-93-56;

12. Shreve's, legally described as Parcel A LT 5 NW4 SE4 3-93-55;

13. Eastwinds, legally described as Blk 1 Edna's Add'n & Par A W2 SW4 SE4 10-93-55;

14. Country Manor Estates, legally described as LT 2, ex W170' & NW4 NW4 exc E417.4' & S417.4' W482.2' S220' N578.7' & Parcel C exc W170' NW4 NW4 16-93-55; and

15. Larson's Landing, legally described as E2 LT 2 Shore Acres 27-93-56.

Travel Trailer - A moveable vehicle with wheels designed or used as living and sleeping quarters or for recreation or business purposes, and such vehicles that have not had the wheels removed. Including campers, recreation vehicles, and trailer coaches.

Truck or Equipment Terminal - A building, structure or place where six (6) or more commercially licensed trucks are rented, leased, kept for hire, stored, or parked for compensation, or from which trucks or transports, stored or parked on the property, are dispatched for hire as common carriers, and which may include warehouse space.

Use - Use shall mean the purpose for which a lot or a building or structure, or any portion thereof, is designed, arranged, intended, occupies, or maintained, and "used" shall have a corresponding meaning.

Utility Facilities - Any above-ground structures or facilities, other than buildings, unless such buildings are used as storage incidental to the operation of such structures or facilities, owned by a governmental entity, a nonprofit organization, a corporation, or any entity defined as a public utility for any purpose and used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals.

Variance - A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for area and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining district or because of conditions created by the landowner.

Veterinary Clinic - A building or part of a building used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention. Such clinics may or may not provide long-term lodging for ill or unwanted animals, or lodging for healthy animals on a fee basis. No outside runs, pens, or facilities shall be permitted.

Veterinary Service - Shall be defined as a veterinary clinic except that outside pens and runs are allowed.

Video Rental Shop - The use of land, building or structure for the purpose of renting video cassette recorders and/or video disc players and/or the rental of video tapes and/or discs.

Vision Clearance - An unoccupied triangular space at the intersection of right-of-ways with other right-of-ways or at the intersection of right-of-ways with railroads. See Traffic Visibility Triangle.

Warehouse - A building or part of a building used for the storage and distribution of goods, wares, merchandise, substances, or articles and may include facilities for a wholesale or retail commercial outlet, but shall not include facilities for a truck or transport terminal or yard.

Wholesale - The sale of commodities to retailers or jobbers and shall include the sale of commodities for the purpose of carrying on any trade or business even if the said trade of business is the consumer or end user of the commodity.

Wind Energy System - A structure or place, such as a wind turbine, designed and constructed to generate power for distribution to off-site users. This definition shall not include private facilities with a single tower or turbine less than seventy-five (75) feet in height and not designed for distribution of power to off-site users.

Windbreak - Any non-opaque manmade structure constructed of any material and erected adjacent to an animal feeding, calving, or other such lot of which its principal use is that of protecting livestock from the effects of the wind.

Yard - An open space at grade, other than a court or plaza, between a structure and the adjacent lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward.

Yard, Front - An open, unoccupied space on a lot facing a right-of-way and extending across the front of the lot between the side lot lines; measured from the road right-of-way to the structure.

Yard, Rear - An open, unoccupied space extending across the rear of a lot from one side lot line to the other side lot line.

Yard, Side - An open, unoccupied space on the same lot with a building situated between the building and sideline of the lot and extending through from the front yard to the required rear yard. Any lot line not the rear line or a front line shall be deemed a sideline.

Zone - An area within which, in accordance with the provisions of this Ordinance, certain uses of lands, buildings, and structures are permitted and certain others are prohibited, where yards and other open spaces are required, where lot areas, building height limits, and other requirements are established, all of the foregoing being identical for the zone and district in which they apply.

Zoning Administrator - An official of the County appointed by the Chairman and confirmed by the County Commission, charged with the responsibility of administrating this ordinance.

THIS PAGE RESERVED FOR FUTURE USE

ARTICLE 1

JURISDICTION

Section 101 General

This Ordinance shall be known and shall be cited and referred to as "The Official Zoning Ordinance of Yankton County, South Dakota", which shall be kept, updated and located in the Yankton County Auditor's Office. Additional copies shall be available in the Yankton County Register of Deeds Office and the Yankton County Planning and Zoning Office. The Yankton County Zoning Ordinance is also available to the public on the Yankton County website online in accordance with SDCL #7-18A-25-1. ~~to the same effect as if the full title were stated.~~

Section 103 Jurisdiction

The provisions of this Ordinance shall apply within the unincorporated areas of Yankton County, South Dakota, including organized and unorganized townships, and excluding the incorporated communities of Gayville, Irene, Lesterville, Mission Hill, Utica, Volin, and Yankton, including the extraterritorial jurisdictional area as defined herein, as established on the map entitled "The Official Zoning Map of Yankton County, South Dakota".

Section 105 Provisions of this Ordinance Declared to the Minimum Requirements

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. Whenever the provisions of this Ordinance require a greater width or size of yards, courts or other spaces, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required, in any other Ordinance, the provisions of this Ordinance shall govern. Wherever the provisions of any other ordinance require a greater width or size of yards, courts, or other open spaces, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by the provisions of this Ordinance, the provisions of such Ordinance shall govern.

THIS PAGE RESERVED FOR FUTURE USE

ARTICLE 2
APPLICATION OF DISTRICT REGULATIONS

Section 201 General

The regulations, set forth by this Ordinance within each district, shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

Section 203 Zoning Affects Every Building and Use

No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, or moved, ~~or structurally altered~~ except in conformity with all of the regulations herein specified. ~~for the district in which it is located.~~

Section 205 Performance Standards

No building or other structure shall hereafter be erected or altered, without obtaining a permit, to:

1. Accommodate or house a greater number of families;
2. Occupy a greater area of the lot; or
3. Have narrower or smaller rear yards, front yards, side yards, or other open spaces.

Section 207 Yard, Lot, and Parcel Reduction ~~Prohibited~~

~~No yard, lot, or parcel existing at the time of passage of this Ordinance shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards, lots, or parcels created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.~~

The reduction of any existing yard, lot or parcel in dimension or area below the minimum requirements set forth herein must follow variance procedures in sections 1807 and 1907.

The creation of any new yard, lot, or parcel with dimensions or area below the minimum requirements set forth herein must also follow variance procedures in sections 1807 and 1907.

THIS PAGE RESERVED FOR FUTURE USE

ARTICLE 3

ESTABLISHMENT OF DISTRICTS

Section 301 Districts Created

For the purpose of this Ordinance, there are hereby created nine (9) types of districts by which the jurisdictional area defined in Section 103 shall be divided.

Symbol	District
AG	Agricultural
R1	Low Density Rural Residential
R2	Moderate Density Rural Residential
R3	High Density Rural Residential
MHP	Manufactured Home Park
C	Commercial
LC	Lakeside Commercial
RT	Rural Transitional
PUD	Planned Unit Development

THIS PAGE RESERVED FOR FUTURE USE

ARTICLE 4

OFFICIAL ZONING MAP AND BOUNDARY INTERPRETATION

Section 401 General

The County is hereby divided into zones, or districts, as shown on the Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance. The Official Zoning Map shall be identified by the signature of the Chairman of the County Commissioners, attested by the Auditor, and bearing the seal of the County, under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 401 of Ordinance No. 16 of "Yankton County, South Dakota," together with the date of the adoption of this Ordinance.

Section 403 Zoning Map Changes

If, in accordance with the provisions of this Ordinance, changes are made in the district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the County Commissioners, with an entry on the Official Zoning Map as follows: "on [date], by official action of the Yankton County Commission, the following [change] changes were made in the Official Zoning Map: [brief description of nature of change]," which entry shall be signed by the Chairman of the Commission and attested by the Auditor. No amendment to this Ordinance which involves matters portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map.

No changes of any nature shall be made in the Official Zoning Map or matters shown thereon except in conformity with the procedures set forth in this Ordinance.

Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided under Section 2303.

Regardless of the existence of purported copies of the Official Zoning Map which may, from time to time, be made or published, the Official Zoning Map which shall be located in the office of the Zoning Administrator shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the County.

Section 405 Zoning Map Replacement

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Yankton County Commission may, by resolution, adopt a new Official Zoning Map, which shall supersede the prior Official Zoning Map.

The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof.

The new Official Zoning Map shall be identified by the signature of the Chairman of the County Commission, attested by the Auditor, and bearing the seal of the County, under the following words:

> "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted [date of adoption of map being replaced] as part of Ordinance No. 16 of "Yankton County, South Dakota."

Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

Section 407 Rules for Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated, as approximately following the centerlines of right-of-ways, roads, highways, or alleys shall be construed to follow such centerlines;

2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

3. Boundaries indicated, as approximately following city limits shall be construed as following such city limits;

4. Boundaries indicated, as following railroad lines shall be construed to be midway between the main tracks;

5. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;

6. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 5 above shall be so construed. The scale of the map shall determine distances not specifically indicated on the Official Zoning Map; and

Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections 1 through 6 above, the Planning Commission shall interpret the district boundaries.

THIS PAGE RESERVED FOR FUTURE USE

ARTICLE 5

AGRICULTURAL DISTRICT (AG)

Section 501 Intent

The intent of Agricultural Districts (AG) is to protect agricultural lands and lands consisting of natural growth from incompatible land uses in order to preserve land best suited to agricultural uses and land in which the natural environment should be continued and to limit residential, commercial, and industrial development to those areas where they are best suited for reasons of practicality and service delivery.

Section 503 Permitted Principal Uses and Structures

The following principal uses and structures shall be permitted in an Agricultural District (AG):

1. Agriculture;
2. Cemeteries;
3. Day cares, family;
4. Dwellings, single-family;
5. Farms;
6. Farm buildings;
7. Historic sites;
8. Horticulture;
9. Manufactured homes, pursuant to Section 1509;
10. Modular homes;
11. Utility facilities; and
12. Veterinary services.

Section 505 Permitted Accessory Uses and Structures

The following accessory uses and structures shall be permitted in an Agricultural District (AG):

1. Accessory agricultural structures;
2. Customary water irrigation systems, other than manure irrigation equipment;
3. Farm drainage systems;

4. Home and farm occupations;
5. Roadside stands;
6. Shelterbelts;
7. Signs, banner;
8. Signs, directional on-site;
9. Signs, directional off-site;
10. Signs, easement and utility;
11. Signs, exterior off-site, pursuant to Article 14;
12. Signs, flag;
13. Signs, name and address plate;
14. Signs, on-site;
15. Signs, real estate; and
16. Stock dams.

Section 507 Conditional Uses

After the provisions of this Ordinance relating to conditional uses have been fulfilled, the Board of Adjustment may permit as conditional uses in an Agricultural District (AG):

1. Animal feeding operations;
2. Agricultural, fertilizer, and chemical sales and applications;
3. Agricultural product processing facilities;
4. Aquaculture;
5. Auction yards and barns;
6. Bars;
7. Bed and breakfast operations;
8. Buying stations;
9. Churches;
10. Construction services;
11. Day cares, group family home;

12. Dwellings, additional farm in excess of one (1), pursuant to Sections 513(5) and 1509;
13. Exhibition areas;
14. Fairgrounds;
15. Fireworks sales;
16. Game farms;
17. Game lodges;
18. Golf courses;
19. Grain elevators;
20. Individual septic or sewage treatment facilities, pursuant to Section 1513;
21. Indoor shooting/archery ranges;
22. Kennels;
23. Landing Strips;
24. Manufacturing, light;
25. Motor vehicle tracks or play areas;
26. Manure irrigation;
27. Municipal, commercial, or residential central containment, sewage disposal, treatment, or application sites;
28. Open sales areas;
29. Outdoor shooting/archery ranges;
30. Parks;
31. Portable processing plants;
32. Private recreation areas;
33. Private shooting preserves;
34. Quarries, pursuant to Section 1515;
35. Remote fuel depots;
36. Repair shops, auto-body;
37. Repair shops, motor vehicle and equipment;

38. Riding stables;

39. Rodeo arenas;

40. Salvage yards;

41. Sanitary landfills or restricted use sites, permitted by the Department of Environment and Natural Resources (DENR);

42. Spreading, injection, or other application of manure or animal waste generated by an Animal Feeding Operation as described herein, or other livestock production means located outside of Yankton County pursuant to Section 519 (11) (12);

43. Swimming pools;

44. Temporary construction facilities; and

45. Towers, pursuant to Article 25 & Article 26;

46. Wildlife and game production areas; and

47. Wind energy systems, pursuant to Article 26.

Section 509 Classification of Unlisted Uses

In order to insure that the zoning ordinance will permit all similar uses in each district, the Planning Commission and Board of Adjustment, upon its own initiative or upon written application, shall determine whether a use not specifically listed as a permitted, accessory, or conditional use in a Agricultural District shall be deemed a permitted, accessory, or conditional use in one or more districts on the basis of similarity to uses specifically listed. The review shall be heard at a regular meeting of the aforementioned bodies and may be required to adhere to the notification requirements as described in Section 1803(3-5).

Section 511 Prohibited Uses and Structures

All uses and structures which are not specifically permitted as principal, accessory, or conditional uses or approved as such within the provisions of Section 509 shall be prohibited.

Section 513 Minimum Lot Requirements

1. The minimum lot area shall be twenty (20) acres;

2. The minimum lot width shall be five hundred (500) feet;

3. The Zoning Administrator may allow a smaller minimum lot requirement where a permit for a single-family home is requested on an existing farmstead site, as defined herein;

4. Lots of record, as defined herein, existing prior to adoption of this ordinance may be developed pursuant to Article 16 and as approved by the Zoning Administrator;

5. An additional dwelling unit is allowed within the farmstead upon approval of the building permit application if it is to be occupied by other members of the family farm unit, provided the property is not transacted or prepared, platted, or described for transaction; and

6. The Zoning Administrator may allow construction of single and multi-family dwelling units not in conformance with this provision only on those lands organized as a 501(d), non-profit religious and apostolic associations as described in the United States Tax Code. Prior to issuance of a building permit or permission to proceed said entity shall file the Articles of Incorporation and other requested documentation with the Zoning Administrator. Construction activities carried on under this provision shall be in conformance with all other provisions of this ordinance.

Section 515 Minimum Yard Requirements

All yards must meet the following criteria as measured from the lot lines. This Section shall apply to all buildings and structures, including but not limited to decks and patios:

1. There shall be a front yard of not less than a depth of seventy five (75) feet;

2. There shall be a rear yard of not less than a depth of seventy five (75) feet;

3. There shall be two (2) side yards, each of which shall not be less than seventy five (75) feet;

4. Buildings and structures on corner lots as defined herein shall maintain two (2) front yards for the property abutting the road right-of-ways; and

5. The Zoning Administrator may allow construction of single and multi-family dwelling units not in conformance with this provision only on those lands organized as a 501(d), non-profit religious and apostolic associations as described in the United States Tax Code. Prior to issuance of a building permit or permission to proceed said entity shall file the Articles of Incorporation and other requested documentation with the Zoning Administrator. Construction activities carried on under this provision shall be in conformance with all other provisions of this ordinance.

Section 517 Traffic Visibility

1. There shall be no obstructions, such as buildings, structures, grain bins, trees, wind breaks, baled agricultural products, or other objects within fifty (50) feet from the right-of-way.

2. A traffic visibility triangle as defined herein shall be maintained at all road intersections, public and private, driveways, railway crossings, or similar situation as determined by the Zoning Administrator; and

3. Structures, perennial, or similar vegetation planted on or immediately adjacent to a road right-of-way public shall be approved in writing by the Zoning Administrator prior to construction or planting. No such vegetation between the heights of thirty (30) inches and ten (10) feet shall encroach upon the right-of-way at the time of planting or future growth. The Zoning Administrator reserves the right to refer such requests to Township Supervisors, the County Highway Superintendent, or other officials.

Section 519 Animal Feeding Operation Performance Standards

Animal Feeding Operations are considered conditional uses and shall comply with the Conditional Use Process, all applicable state and federal requirements, and the applicable requirements as defined in this section:

Class A (5,000 – 10,000)	Section 519(1,2,3,4,5,6,7(a),8(a),9,10,11,12,13)
Class B (3,000 – 4,999)	Section 519(1,2,3,4,5,6,7(b),8(b),9,10,11,12,13)
Class C (2,000 – 2,999)	Section 519(1,2,3,4,5,7(c),8(c),9,10,11,12,13)
Class D (1,000 – 1,999)	Section 519(1,2,3,4,5,7(d),8(d),9,10,11,12,13)
Class E (300 – 999)	Section 519(2,3,4*,5,7(e),8(e),9,10,11,12,13)
Class F (1 – 299)	NA

*If required by state law

1. Animal Feeding Operations shall submit animal waste management system plans and specifications for review and approval prior to construction, and a Notice of Completion for a Certificate of Compliance, after construction, to the South Dakota Department of Environment and Natural Resources or as amended by the State of South Dakota or the South Dakota Department of Environment and Natural Resources.

2. Prior to construction, such facilities shall obtain a Storm Water Permit for Construction Activities from the South Dakota Department of Environment and Natural Resources. The Storm Water Pollution Prevention Plan required by the permit must be developed and implemented upon the start of construction.

3. Animal confinement and waste facilities shall comply with the following facility setback requirements:

   A. Public Wells 1,000 feet

   B. Private Wells 250 feet

   C. Private Wells (Operator's) 150 feet

D. Lakes, Rivers, Streams Classified as a Public Drinking Water Supply 1,000 feet

E. Lakes, Rivers, Streams Classified as Fisheries 1,000 feet

F. Designated 100 Year Flood Plain PROHIBITED

4. Applicants must present a nutrient management plan to the Department of Environment and Natural Resources for approval and/or certification. Examples of such management shall include at least:

   A. Proposed maintenance of waste facilities;

   B. Land application process and/or methods;

   C. Legal description and map, including documented proof of area to be utilized for nutrient application; and

   D. All CAFO's are required to obtain a South Dakota State General Permit that outlines the manure management practices that an operator must follow to prevent water pollution and protect public health.

5. New animal feeding operations, new CAFO's and waste facilities shall be setback six hundred and sixty six (660) feet from a property line delineating a change in ownership and three hundred and thirty (330) feet from a right-a-way line. Additionally, the applicant shall locate the operation ¼ of a mile or 1,320 feet from neighboring residential dwellings. The Planning Commission and/or Board of Adjustment may mandate setbacks greater than those required herein to further the intent of the Zoning Ordinance while protecting the public health, safety, and welfare.

6. New Class A and B Animal Feeding Operations shall be prohibited from locating within the area bounded by the City of Yankton, 431st Avenue, the Missouri River, and South Dakota Highway 50.

7. New animal confinement and waste facilities shall be located no closer than the following regulations prescribe from any Class I incorporated municipality or residentially zoned area bounded by the City of Yankton, 431st Avenue, the Missouri River and South of South Dakota Highway 50:

   A. Class A 4 miles

   B. Class B 2 miles

   C. Class C 1 mile

   D. Class D 2,640 feet

   E. Class E 2,640 feet

8. New animal confinement and waste facilities shall be located no closer than ½ mile from any Class II or III incorporated municipality, active church, or established R2 or R3 residential area as shown on the Official Zoning Map. New animal confinement and waste facilities shall be located no closer than the following regulations prescribe from a residential dwelling; one dwelling unit is allowed on the facility site. The owner(s) of an animal feeding operation and/or residential dwelling may request the required setback be lessened or waived in accordance with the variance procedures as detailed herein. Residential waiver request forms are obtainable from the Zoning Administrator. This waiver would run with the land and be filed with the Yankton County Register of Deeds.

    A. Class A 2 miles

    B. Class B 1.25 miles

    C. Class C 2,640 feet

    D. Class D 1,320 feet

    E. Class E 1,320 feet

9. Animal waste shall be transported no further than five miles from the point of origination by equipment designed for direct application. Animal waste hauled within non-application or transportation equipment shall not be restricted as to distance. Both methods of transportation must comply with federal, state, and local load limits on roads, bridges, and other similar structures.

10. Animal Feeding Operations shall prepare a facility management plan. The plan shall be designed to dispose of dead animals, manure, and wastewater in such a manner as to control odors or flies. The County Planning Commission and Board of Adjustment will review the need for control measures on a site-specific basis, taking into consideration prevailing wind direction and topography. The following procedures to control flies and odors shall be addressed in a management control plan:

    A. An operational plan for manure collection, storage, treatment, and use shall be kept updated and implemented;

    B. The methods utilized to dispose of dead animals shall be identified.

    C. A screening and/or buffering section to include the planting of trees and shrubs of adequate size to control wind movement and dispersion of odors generated by the facility;

    D. A storm water management section shall provide adequate slopes and drainage to divert storm water from confinement areas, while providing for drainage of water from said area, thereby assisting in maintaining dryer

confinement areas to reduce odor production.

E. A solid manure storage plan detailing the number and size of containment areas and methods of controlling drainage to minimize odor production;

F. A description of the method and timeframe for removal of manure from open pens to minimize odor production;

G. The applicability, economics, and effect of Industry Best Management Practices shall be covered;

H. A notification section should be formulated by the applicant. It is to include the names, addresses, and phone numbers of all occupied residences and public gathering places, within one-half (1/2) mile of applicant's manure application fields. The preferred hauling and application process shall be detailed and include timetables of probable application periods. Application of manure on weekends, holidays, and evenings during the warmer seasons shall be avoided whenever possible. Complaints could lead to having to give 48 hour notice in advance of manure applications. Annual notification advising of an upcoming 30 day window should be given.

I. A review of weather conditions shall be included reviewing the effect of climate upon manure application. This section shall also include the preferred times and conditions for application to mitigate the potential effects upon neighboring properties while outlining the least advantageous climatic conditions.

11. Manure generated from Animal Feeding Operations shall comply with the following manure application setback requirements if it is injected or incorporated within twenty-four (24) hours:

A. Public Wells	1,000 feet
B. Private Wells	250 feet
C. Private Wells (Operator's)	150 feet
D. Lakes, Rivers, Streams Classified as a Public Drinking Water Supply	1,000 feet
E. Lakes, Rivers and Streams Classified as Fisheries	200 feet
F. All Public Road Right-of-ways	10 feet
G. Incorporated Communities	660 feet
H. A Residence other than the Operators	100 feet

12. Manure generated from Animal Feeding Operations shall comply with the following manure application setback requirements if it is irrigated or surface applied:

A.	Public Wells	1,000feet
B.	Private Wells	250feet
C.	Private Wells(Operator's)	150feet
D.	Lakes, Rivers, Steams Classified as a Public Drinking Water Supply	1,000feet
E.	Lakes, Rivers and Streams Classified as Fisheries	660 feet
F.	All Public Road Right-of-ways (Surface Applied)	10 feet
G.	All Public Road Right-of-ways (Irrigated Application)	100 feet
H.	Incorporated Communities (Surface Applied)	1,000 feet
I.	Incorporated Communities (Irrigated Application)	2,640 feet
J.	A Residence other than the Operators (Surface Applied)	330 feet
K.	A Residence other than the Operators (Irrigated Application)	750 feet

13. If irrigation is used for removal of liquid manure, dewatering a lagoon (gray water) basin, or any type of liquid manure holding pit, these rules apply:

    A. Drops must be used on systems that disperse the liquid no higher than 18" off the ground if no crop is actively growing on the field.

    B. If a crop is actively growing on the field, the liquid must then be dispersed below the crop canopy.

    C. No runoff or diffused spray from the system onto neighboring property or public right-of-way will be allowed.

    D. No irrigation of liquid on frozen ground or over FSA designated wetlands.

    E. No "big gun" type irrigation systems shall be used for liquid manure or dewatering lagoons or other manure containment systems.

Section 520 Conditional Use Permit for an Animal Feeding Operation Not Permitted if Applicant Applies for the Permit for the Purpose of Selling, Transferring, or Brokering.

The Board of Adjustment shall not grant a Conditional Use Permit for an Animal Feeding Operation if the Applicant is applying for the Permit for the purpose of selling, transferring, or brokering the Permit.

For the purposes of this Ordinance, any sale or transfer of the Permit from the Applicant to any other person or entity within two (2) years of the date that the Permit is issued shall be considered to be prima facie evidence that such Permit was obtained for the purpose of selling, transferring or brokering the Permit.

Any evidence that is presented by any person that any Conditional Use Permit for an Animal Feeding Operation was sought for the purpose of selling, transferring, or brokering the Permit may be considered by the Board of Adjustment in considering a new application for Conditional Use Permit and may be the basis for a denial or revocation of the application or a conditional use permit by the Board of Adjustment.

THIS PAGE RESERVED FOR FUTURE USE

ARTICLE 6

LOW DENSITY RURAL RESIDENTIAL DISTRICT (R1)

Section 601 Intent

The intent of Low Density Rural Residential Districts (R1) is to provide for residential uses of larger lots and other compatible uses in a pleasant and stable environment.

Section 603 Permitted Principal Uses and Structures

The following principal uses and structures shall be permitted in a Low Density Rural Residential District (R1):

1. Day cares, family;
2. Dwellings, single-family;
3. Governmental services;
4. Horticulture;
5. Modular homes; and
6. Utility facilities.

Section 605 Permitted Accessory Uses and Structures

The following accessory uses and structures shall be permitted in a Low Density Rural Residential District (R1):

1. ~~A (one)~~ ~~2,000~~ An aggregate maximum total floor area of 4,000 square foot accessory building or buildings. Side wall height shall not exceed ~~fourteen (14)~~ sixteen (16) feet as measured from the highest point of the finished floor at grade to the highest point of wall framing.
2. Home occupations;
3. Signs, banner;
4. Signs, directional on-site;
5. Signs, directional off-site;
6. Signs, easement and utility;

7. Signs, flag;
8. Signs, name and address plate; and
9. Signs, real estate.

Section 607 Conditional Uses

After the provisions of this Ordinance, relating to conditional uses have been fulfilled, the Board of Adjustment may permit as conditional uses in a Low Density Rural Residential District (R1):

1. Accessory agricultural structures;
2. Bed and breakfasts;
3. Campgrounds;
4. Cemeteries;
5. Home based sales;
6. Greenhouses;
7. Golf courses;
8. Hobby farms;
9. Horticultural sales;
10. Kennels;
11. Manufactured homes, pursuant to Section 1507;
12. Manufacturing, light;
13. Parks;
14. Signs, off-site;
15. Swimming pools; and
16. Towers.
17. One Accessory Structure exceeding 4,000 square feet or Accessory Structures with an aggregate maximum total floor area exceeding 4,000 square feet and/or exceeding a sidewall height of sixteen (16) feet.

Section 609 Classification of Unlisted Uses

In order to insure that the zoning ordinance will permit all similar uses in each district, the Board of Adjustment, upon its own initiative or upon written application, shall determine whether a use not specifically listed as a permitted, accessory, or conditional use in a Low Density Residential District shall be deemed a permitted, accessory, or conditional use in one or more districts on the basis of similarity to uses specifically listed. The review shall be heard at a regular meeting of the aforementioned bodies and may be required to adhere to the notification requirements as described in Section 1803(3-5).

Section 611 Prohibited Uses and Structures

All uses and structures, which are not specifically permitted as principal, accessory, or conditional uses or approved as such within the provisions of Section 609, shall be prohibited.

Section 613 Minimum Lot Requirements

1. The minimum lot area shall be five (5) acres; and

2. The minimum lot width shall be two hundred (200) feet.

Section 615 Minimum Yard Requirements

All yards must meet the following criteria as measured from the lot lines. This Section shall apply to all buildings and structures, including but not limited to decks, patios, and carports:

1. There shall be a front yard of not less than a depth of thirty (30) feet, except when said lot is adjacent to or abutting a arterial or collector right-of-way then the depth shall be fifty (50) feet;

2. There shall be a rear yard of not less than a depth of twenty (20) feet;

3. There shall be two (2) side yards, each of which shall not be less than ten (10) feet; and

4. Buildings and structures on corner lots as defined herein shall maintain two (2) front yards for the property abutting the road right-of-ways.

Section 617 Traffic Visibility

1. A traffic visibility triangle as defined herein shall be maintained at all road intersections, public and private, driveways, railway crossings, or similar situation as determined by the Zoning Administrator; and

2. Structures, perennial, or similar vegetation planted on or immediately adjacent to a road right-of-way public shall be approved in writing by the Zoning Administrator prior to construction or planting. No such vegetation between

the heights of thirty (30) inches and ten (10) feet shall encroach upon the right-of-way at the time of planting or future growth. The Zoning Administrator reserves the right to refer such requests to Township Supervisors, the County Highway Superintendent, or other officials.

THIS PAGE RESERVED FOR FUTURE USE

ARTICLE 7

MODERATE DENSITY RURAL RESIDENTIAL DISTRICT (R2)

Section 701 Intent

The intent of Moderate Density Rural Residential Districts (R2) is to provide for residential uses of moderate lots and other compatible uses in a pleasant and stable environment.

Section 703 Permitted Principal Uses and Structures

The following principal uses and structures shall be permitted in a Moderate Density Rural Residential District (R2):

1. Day cares, family;
2. Dwellings, single-family;
3. Governmental services;
4. Horticulture;
5. Modular homes; and
6. Utility facilities.

Section 705 Permitted Accessory Uses and Structures

The following accessory uses and structures shall be permitted in a Moderate Density Rural Residential District (R2):

1. ~~A (one) 1,200~~ An aggregate maximum total floor area of 2,400 square foot accessory structure or structures. Side wall height shall not exceed ~~twelve (12)~~ fourteen (14) feet as measured from the highest point of the finished floor at grade to the highest point of wall framing.
2. Home occupations;
3. Signs, banner;
4. Signs, directional on-site;
5. Signs, directional off-site;
6. Signs, easement and utility;
7. Signs, flag;

8. Signs, name and address plate; and

9. Signs, real estate.

Section 707 Conditional Uses

After the provisions of this Ordinance, relating to conditional uses have been fulfilled, the Board of Adjustment may permit as conditional uses in a Moderate Density Rural Residential District (R2):

1. Bed and breakfasts;

2. Campgrounds, pursuant to 1521;

3. Churches;

4. Day cares, group family home;

5. Dwellings, multi-family;

6. Dwellings, two family;

7. Manufactured homes, pursuant to Section 1507;

8. Parks;

9. Schools, public;

10. Signs, off-site;

11. Swimming pools; and

12. Towers.

13. One Accessory Structure exceeding 2,400 square feet or Accessory Structures with an aggregate maximum total floor area exceeding 2,400 square feet and/or exceeding a sidewall height of fourteen (14) feet.

Section 709 Classification of Unlisted Uses

In order to insure that the zoning ordinance will permit all similar uses in each district, the Board of Adjustment, upon its own initiative or upon written application, shall determine whether a use not specifically listed as a permitted, accessory, or conditional use in a Moderate Density Residential District shall be deemed a permitted, accessory, or conditional use in one or more districts on the basis of similarity to uses specifically listed.

Section 711 Prohibited Uses and Structures

All uses and structures which are not specifically permitted as principal, accessory, or conditional uses or approved as such within the provisions of Section 709 shall be prohibited.

Section 713 Minimum Lot Requirements

1. The minimum lot area shall be one (1) acre or forty thousand (40,000) square feet;

2. The minimum lot area for multi-family dwellings in areas of two (2) units shall be one (1) acre or forty thousand (40,000) square feet and an additional five thousand (5,000) square feet for each unit in excess of the first two (2); and

3. The minimum lot width shall be one hundred (100) feet.

Section 715 Minimum Yard Requirements

All yards must meet the following criteria as measured from the lot lines. This Section shall apply to all buildings and structures, including but not limited to decks, patios, and carports:

1. There shall be a front yard of not less than a depth of thirty (30) feet, except when said lot is adjacent to or abutting a arterial or collector right-of-way then the depth shall be fifty (50) feet;

2. There shall be a rear yard of not less than a depth of twenty (20) feet;

3. There shall be two (2) side yards, each of which shall not be less than ten (10) feet;

4. Buildings and structures on corner lots as defined herein shall maintain two (2) front yards for the property abutting the road right-of-ways.

Section 717 Traffic Visibility

1. A traffic visibility triangle as defined herein shall be maintained at all road intersections, public and private, driveways, railway crossings, or similar situation as determined by the Zoning Administrator; and

2. Structures, perennial or similar vegetation planted on or immediately adjacent to a road right-of-way public shall be approved in writing by the Zoning Administrator prior to construction or planting. No such vegetation between the heights of thirty (30) inches and ten (10) feet shall encroach upon the right-of-way at the time of planting or future growth. The Zoning Administrator reserves the right to refer such requests to Township Supervisors, the County Highway Superintendent, or other officials.

THIS PAGE RESERVED FOR FUTURE USE

ARTICLE 8

HIGH DENSITY RURAL RESIDENTIAL DISTRICT (R3)

Section 801 Intent

The intent of High Density Rural Residential Districts (R3) is to provide existing concentrated residential subdivisions as recorded with the Register of Deeds and other compatible uses a pleasant and stable environment. Yet, not allow an extension of these areas beyond their respective boundaries as recorded at the time of zoning ordinance adoption.

Section 803 Permitted Principal Uses and Structures

The following principal uses and structures shall be permitted in a High Density Rural Residential Districts (R3):

1. Day cares, family;
2. Dwellings, single-family;
3. Governmental services; and
4. Horticulture;
5. Modular homes;
6. Utility facilities;

Section 805 Permitted Accessory Uses and Structures

The following accessory uses and structures shall be permitted in a High Density Rural Residential Districts (R3):

1. ~~A (one) 800~~ An aggregate maximum total floor area of 1,600 square foot accessory structure or structures. Side wall height shall not exceed ~~ten (10)~~ twelve (12) feet as measured from the highest point of the finished floor at grade to the highest point of wall framing.
2. Home occupations;
3. Signs, banner;
4. Signs, directional on-site;
5. Signs, directional off-site;

6. Signs, easement and utility;
7. Signs, flag;
8. Signs, name and address plate; and
9. Signs, real estate.

Section 807 Conditional Uses

After the provisions of this Ordinance, relating to conditional uses have been fulfilled, the Board of Adjustment may permit as conditional uses in a High Density Rural Residential Districts (R3):

1. Day cares, group family home;
2. Dwellings, multi-family;
3. Dwellings, two family;
4. Manufactured homes, pursuant to Section 1507;
5. Parks;
6. Signs, off-site;
7. Swimming pools; and
8. Towers.
9. One Accessory Structure exceeding 1,600 square feet or Accessory Structures with an aggregate maximum floor area exceeding 1,600 square feet and/or exceeding a sidewall height of twelve (12) feet.

Section 809 Classification of Unlisted Uses

In order to insure that the zoning ordinance will permit all similar uses in each district, the Board of Adjustment, upon its own initiative or upon written application, shall determine whether a use not specifically listed as a permitted, accessory, or conditional use in a High Density Residential District shall be deemed a permitted, accessory, or conditional use in one or more districts on the basis of similarity to uses specifically listed.

Section 811 Prohibited Uses and Structures

All uses and structures which are not specifically permitted as principal, accessory, or conditional uses or approved as such within the provisions of Section 809 shall be prohibited.

Section 813 Minimum Lot Requirements

1. The minimum lot area shall be one-half (1/2) acre or twenty thousand (20,000)

square feet;

2. The minimum lot area for multi-family dwellings shall be one-half (1/2) acre or twenty thousand (20,000) square feet and an additional five thousand (5,000) square feet for each unit in excess of the first two (2); and

3. The minimum lot width shall be seventy five (75) feet.

Section 815 Minimum Yard Requirements

All yards must meet the following criteria as measured from the lot lines. This Section shall apply to all buildings and structures, including but not limited to decks, patios, and carports:

1. There shall be a front yard of not less than a depth of thirty (30) feet, except when said lot is adjacent to or abutting an arterial or collector right-of-way then the depth shall be fifty (50) feet;

2. There shall be a rear yard of not less than a depth of twenty (20) feet;

3. There shall be two (2) side yards, each of which shall not be less than ten (10) feet; and

4. Buildings and structures on corner lots as defined herein shall maintain two (2) front yards for the property abutting the road right-of-ways.

Section 817 Traffic Visibility

1. A traffic visibility triangle as defined herein shall be maintained at all road intersections, public and private, driveways, railway crossings, or similar situation as determined by the Zoning Administrator; and

2. Structures, perennial or similar vegetation planted on or immediately adjacent to a road right-of-way public shall be approved in writing by the Zoning Administrator prior to construction or planting. No such vegetation between the heights of thirty (30) inches and ten (10) feet shall encroach upon the right-of-way at the time of planting or future growth. The Zoning Administrator reserves the right to refer such requests to Township Supervisors, the County Highway Superintendent, or other officials.

THIS PAGE RESERVED FOR FUTURE USE

ARTICLE 9

MANUFACTURED HOME PARK DISTRICT (MHP)

Section 901 Intent

The intent of the Manufactured Home Park District (MHP) is to preserve and enhance property values by providing designated, distinctive areas in which manufactured homes may be situated as a residential dwelling. It is the intent that this district be a desirable, prominent area providing adequate open space and essentially the same considerations given to citizens of other residential districts.

Section 903 Permitted Principal Uses and Structures

The following principal uses and structures shall be permitted in a Manufactured Home Park District (MHP):

1. Dwellings, single family;
2. Manufactured homes, pursuant to Section 1409;
3. Modular homes;
4. Parks; and
5. Utility facilities.

Section 905 Permitted Accessory Uses and Structures

The following accessory uses and structures shall be permitted in a Manufactured Home Park District (MHP):

1. Accessory buildings;
2. Garages;
3. Home occupations;
4. Signs, banner;
5. Signs, directional on-site;
6. Signs, directional off-site;
7. Signs, easement and utility;

8. Signs, flag;
9. Signs, name and address plate; and
10. Signs, real estate.

It shall be unlawful for any person, firm, or corporation to use any van body, truck body, semi-trailer, rail car, "shipping crate", and/or any vehicle no longer used for its manufactured purpose as a storage shed, storage building, warehouse, or as living quarters. In addition, manufactured homes shall not be for any purpose other than residential living quarters. However, this shall not prevent the lawful parking of vehicles properly licensed, insured, and in regular use for their intended purpose to include 'RVs' and camping trailers.

Section 907 Conditional Uses

After the provisions relating to conditional uses have been fulfilled, the Board of Adjustment may permit as conditional uses in a Manufactured Home Park District (MHP):

1. Day care centers;
2. Day cares, family;
3. Day cares, group family home;
4. Dwellings, two family;
5. Laundry facilities;
6. Self-storage warehouses;
7. Signs, bulletin board;
8. Signs, ground and monument;
9. Signs, mounted wall;
10. Signs, off-site;
11. Signs, portable;
12. Swimming pools; and
13. Towers

Section 909 Classification of Unlisted Uses

In order to insure that the zoning ordinance will permit all similar uses in each district, the Board of Adjustment, upon its own initiative or upon written application, shall determine whether a use not specifically listed as a permitted, accessory, or

conditional use in a District shall be deemed a permitted, accessory, or conditional use in one or more districts on the basis of similarity to uses specifically listed.

Section 911 Prohibited Uses and Structures

No part of any park shall be used for nonresidential purposes, except such uses that are required for the direct servicing and well-being of park residents and for the management and maintenance of the park.

Section 913 Minimum Lot Requirements

1. The minimum park size is three (3) acres;
2. The minimum park width is three hundred (300) feet;
3. The minimum lot area for individual manufactured homes shall be four thousand (4,000) square feet;
4. The density of any manufactured home park shall not exceed eight (8) units per gross acre; and
5. The net density of any particular acre shall not exceed ten (10) units per net (gross reduced by required yards, right-of-ways, etc.) acre.

Section 915 Minimum Yard Requirements

All yards must meet the following criteria as measured from the lot line. This Section shall apply to all buildings and structures, including but not limited to decks, patios, and garages:

1. The minimum distance required for the separation of a manufactured home from side and rear lot lines shall be ten (10) feet. In no case shall a manufactured home be closer than twenty (20) feet from another manufactured home;
2. The minimum setback distance required from a private drive or public right-of-way shall be thirty (30) feet; and
3. Accessory buildings shall not encroach on minimum yard requirements.

Section 917 Manufactured Home Park Application Requirements

The applicant follows the rezoning process pursuant to Articles 16 -21;

1. A request for a change in zoning districts to a Manufactured Home Park District shall set forth the location and legal description of the proposed manufactured home park property;
2. Each application for a manufactured home park shall be accompanied by a

detailed site development plan incorporating the regulations established herein. The plan shall be drawn to scale and indicate the following:

A. Location and topography of the proposed manufactured home park, including adjacent property owners and proximity to federal and state highways, and to county, township, or city roads;

B. Exterior and interior property or individual lot lines with dimensions and square footage of the proposed park;

C. Location and dimensions of all easements and right-of-ways;

D. Proposed lot layout, including parking and recreational areas;

E. General pedestrian access or transportation plan;

F. General utility, water, and sewer plan with proximity and proposed connection to municipal and/or private utilities; and

G. Site drainage plan and development impact on culverts, etc.

3. Certification of compliance with all ordinances and regulations regarding manufactured home park licensing and zoning, health, plumbing, electrical, building, fire prevention, and all other applicable ordinances and regulations.

Section 919 Manufactured Home Regulations within a Manufactured Home Park

1. Manufactured home developments should be located to avoid the need for excessive traffic movement from the park to pass through an existing single-family residential area or area suitable for future single-family residential development; and

2. Access and Right-of-way Requirements:

A. All manufactured home spaces must be served from internal private right-of-ways within the manufactured home park and there shall be no direct access from a manufactured home space to a public right-of-way;

B. Internal private right-of-ways must be graveled at a minimum and kept in good repair to prevent excessive potholes or pooling of water;

C. A minimum of two (2) off right-of-way parking spaces shall be provided for each manufactured home lot; guest parking of one (1) parking space per five (5) manufactured home spaces shall be interspersed throughout the manufactured home park;

D. No internal private right-of-way access to public right-of-ways shall be located closer than one hundred (100) feet to any public right-of-way intersection;

E. Stop signs shall be placed at all public right-of-way intersections and

Yield signs placed appropriately on internal private right-of-way;

F. Entrance to manufactured home parks shall have direct connections to a public road and shall be designed to allow free movement of traffic on such public roads; and

G. Travel surfaces should be of adequate widths to accommodate the contemplated parking and traffic load in accordance with the type of traveled way with twelve (12) feet minimum moving lanes for collector roads, twelve (12) feet minimum moving lanes for minor roads, and eight (8) feet minimum lanes for parallel parking.

3. Other Requirements:

A. Manufactured homes may be of single or multiple sections and shall not be less than fourteen (14) feet as assembled on the site, as measured across the narrowest portion;

B. Manufactured homes shall be skirted with materials that are not highly combustible. The skirting shall be installed around the perimeter of the home from the chassis of the manufactured home to the prevailing grade;

C. The hitch shall be removed;

D. All electric service shall be underground;

E. Each manufactured home lot shall be connected to a sanitary sewer system and central water system including individual utility service lines and valves as approved by the Zoning Administrator or their designee;

F. If individual refuse collection points are not available, each manufactured home park shall provide screened areas or enclosed containers accessible for refuse collection of an adequate size for the number of units served, and shall provide for the disposal of such refuse on a regularly scheduled basis;

G. Manufactured homes shall be anchored to the ground to resist tipping and lateral movement in the manner contemplated by the manufactured design;

H. Not less than ten (10) percent of the gross site area shall be devoted and maintained as recreational facilities for occupant needs;

I. No manufactured home shall occupy more than fifty (50) percent of the area of the lot on which it is situated;

J. In accordance with Section 921 a landscaped buffer area of ten (10) feet in width shall be provided and maintained around the perimeter of the park, except where the park abuts a public right-of-way then the buffer shall be thirty (30) feet. This does not include those places where walks and drives penetrate the buffer;

K. The manufactured home shall meet or exceed the federal Manufactured

Home Construction and Safety Standards (HUD code); and

L. Additional development requirements may be prescribed as conditions for approval when determined to be necessary to ensure protection of the neighboring property's character, compatibility with land uses, and health and safety of manufactured home park occupants.

Section 921 Traffic Visibility

1. A traffic visibility triangle as defined herein shall be maintained at all road intersections, public and private, driveways, railway crossings, or similar situation as determined by the Zoning Administrator; and

2. Structures, perennial or similar vegetation planted on or immediately adjacent to a road right-of-way public shall be approved in writing by the Zoning Administrator prior to construction or planting. No such vegetation between the heights of thirty (30) inches and ten (10) feet shall encroach upon the right-of-way at the time of planting or future growth. The Zoning Administrator reserves the right to refer such requests to Township Supervisors, the County Highway Superintendent, or other officials.

THIS PAGE RESERVED FOR FUTURE USE

ARTICLE 10

COMMERCIAL DISTRICT (C)

Section 1001 Intent

The intent of the Commercial District (C) is to provide commercial areas for those establishments that can function most satisfactorily in an area related to a rural or municipal fringe environment requiring major vehicular circulation routes and off right-of-way parking and loading due to the nature of the merchandise handled and the display space required.

Section 1003 Permitted Principal Uses and Structures

The following principal uses and structures shall be permitted in a Commercial District (C):

1. Arcades;
2. Bars;
3. Day care centers;
4. Financial institutions;
5. Funeral homes;
6. Garages, public;
7. Gasoline stations;
8. Golf courses;
9. Governmental services;
10. Historic sites;
11. Hotels;
12. Indoor archery/shooting ranges;
13. Lockers;
14. Manufacturing, light;
15. Motels;

16. Open sales areas;
17. Parks;
18. Repair shops, auto-body;
19. Repair shops, motor vehicle;
20. Restaurants;
21. Restaurants, drive-in;
22. Restaurants, in-house;
23. Retail sales;
24. Self-storage warehouses;
25. Service establishments;
26. Theaters;
27. Utility facilities;
28. Veterinary clinics;
29. Warehousing facilities; and
30. Wholesale sales.

Section 1005 Permitted Accessory Uses and Structures

Those accessory uses and structures normally appurtenant to the permitted principal uses and structures shall be permitted in a Commercial District (C) when established in conformance within the space limits of this district.

1. Signs, banner;
2. Signs, directional off-site;
3. Signs, directional on-site;
4. Signs, easement and utility;
5. Signs, flag;
6. Signs, name and address plate;
7. Signs, on-site; and
8. Signs, real estate.

Section 1007 Conditional Uses

After the provisions of this resolution relating to conditional uses have been fulfilled, the Board of Adjustment may permit as conditional uses in a Commercial District (C):

1. Adult entertainment;
2. Agricultural fertilizer and chemical manufacturing, sales, and applications;
3. Agricultural product processing;
4. Amusement parks; and
5. Asphalt plants;
6. Buying stations;
7. Campgrounds;
8. Concrete plants;
9. Construction services;
10. Dwellings, single-family;
11. Dwellings, two-family;
12. Grain elevators;
13. Manufacturing;
14. Manufacturing, distribution, sale, or storage of flammable, combustible, or hazardous material;
15. Outdoor shooting/archery ranges.
16. Sale and auction yards and barns;
17. Salvage yards;
18. Sanitary landfills and restricted use sites, permitted by DENR;
19. Signs, off-site, pursuant to Article 14;
20. Swimming pools;
21. Tank farms;
22. Towers, pursuant to Article 25 & Article 26;
23. Truck or equipment terminals;
24. Veterinary services; ~~and~~
25. Wind energy systems~~.~~; and

26. Firework Sales.

Section 1009 Classification of Unlisted Uses

In order to insure that the zoning ordinance will permit all similar uses in each district, the Board of Adjustment, upon its own initiative or upon written application, shall determine whether a use not specifically listed as a permitted, accessory, or conditional use in a Commercial District (C) shall be deemed a permitted, accessory, or conditional use in one or more districts on the basis of similarity to uses specifically listed.

Section 1011 Prohibited Uses and Structures

All uses and structures which are not specifically permitted as principal, accessory, or conditional uses or approved as such within the provisions of Section 1009 shall be prohibited.

Section 1013 Minimum Lot Requirements

1. The minimum lot area shall be two (2) acres; and

2. The minimum lot width shall be one hundred and fifty (150) feet.

Section 1015 Minimum Yard Requirements

All yards must meet the following criteria as measured from the lot lines. This Section shall apply to all buildings and structures, including but not limited to loading docks**,** decks, patios, and covered areas:

1. There shall be a front yard of not less than a depth of one hundred (100) feet;

2. There shall be a rear yard of not less than a depth of fifty (50) feet; and

3. Each side yard shall be not less than twenty-five (25) feet.

Section 1017 Traffic Visibility

1. A traffic visibility triangle as defined herein shall be maintained at all road intersections, public and private, driveways, railway crossings, or similar situation as determined by the Zoning Administrator; and

2. Structures, perennial or similar vegetation planted on or immediately adjacent to a road right-of-way public shall be approved in writing by the Zoning Administrator prior to construction or planting. No such vegetation between the heights of thirty (30) inches and ten (10) feet shall encroach upon the right-of-way at the time of planting or future growth. The Zoning Administrator reserves the right to refer such requests to Township Supervisors, the County Highway Superintendent, or other officials.

THIS PAGE RESERVED FOR FUTURE USE

ARTICLE 11

LAKESIDE COMMERCIAL DISTRICT (LC)

Section 1101 Intent

The intent of the Lakeside Commercial District (LC) is to provide commercial areas for those establishments that can function most satisfactorily in an area directly related to a tourist, outdoor recreation, and residential environment requiring vehicular circulation routes and large off right-of-way parking due to the nature of the customer base and vehicle traffic.

Section 1103 Permitted Principal Uses and Structures

The following principal uses and structures shall be permitted in a Lakeside Commercial District (LC):

1. Arcades;
2. Bars;
3. Day Cares, family;
4. Day Cares, group family home;
5. Financial institutions;
6. Gasoline stations;
7. Golf courses;
8. Governmental services;
9. Historic sites;
10. Indoor archery/shooting ranges;
11. Open sales areas;
12. Parks;
13. Restaurants;
14. Restaurants, drive-in;
15. Restaurants, in-house;

16. Retail sales;

17. Service establishments;

18. Theaters; and

19. Utility facilities.

Section 1105 Permitted Accessory Uses and Structures

Those accessory uses and structures normally appurtenant to the permitted principal uses and structures shall be permitted in a Lakeside Commercial District (LC) when established in conformance within the space limits of this district.

1. Signs, banner;

2. Signs, directional off-site;

3. Signs, directional on-site;

4. Signs, easement and utility; and

5. Signs, flag.

6. Signs, name and address plate;

7. Signs, on-site;

8. Signs, real estate;

Section 1107 Conditional Uses

After the provisions of this resolution relating to conditional uses have been fulfilled, the Board of Adjustment may permit as conditional uses in a Lakeside Commercial District (LC):

1. Amusement parks;

2. Campgrounds;

3. Day care centers;

4. Dwellings, multi-family;

5. Dwellings, single-family;

6. Dwellings, two-family;

7. Exhibition areas;

8. Garages, public;

9. Hotels;

10. Kennels;

11. Motels;

12. Outdoor shooting/archery ranges;

13. Outdoor storage areas;

14. Repair shops, auto-body;

15. Repair shops, motor vehicle;

16. Self-storage warehouses;

17. Signs, off-site, pursuant to Article 14;

18. Swimming pools;

19. Towers, pursuant to Article 25 & Article 26;

20. Veterinary clinics; and

21. Warehousing facilities.

Section 1109 Classification of Unlisted Uses

In order to insure that the zoning ordinance will permit all similar uses in each district, the Board of Adjustment, upon its own initiative or upon written application, shall determine whether a use not specifically listed as a permitted, accessory, or conditional use in a District shall be deemed a permitted, accessory, or conditional use in one or more districts on the basis of similarity to uses specifically listed.

Section 1111 Prohibited Uses and Structures

All uses and structures which are not specifically permitted as principal, accessory, or conditional uses or approved as such within the provisions of Section 1109 shall be prohibited.

Section 1113 Minimum Lot Requirements

1. The minimum lot area shall be one (1) acre; and
2. The minimum lot width shall be one hundred and fifty (150) feet.

Section 1115 Minimum Yard Requirements

All yards must meet the following criteria as measured from the lot lines. This Section shall apply to all buildings and structures, including but not limited to decks, patios, and carports:

1. There shall be a front yard of not less than a depth of seventy-five (75) feet;

2. There shall be a rear yard of not less than a depth of twenty-five (25) feet; and

3. Each side yard shall be not less than twenty-five (25) feet.

Section 1117 Traffic Visibility

1. A traffic visibility triangle as defined herein shall be maintained at all road intersections, public and private, driveways, railway crossings, or similar situation as determined by the Zoning Administrator; and

2. Structures, perennial or similar vegetation planted on or immediately adjacent to a road right-of-way public shall be approved in writing by the Zoning Administrator prior to construction or planting. No such vegetation between the heights of thirty (30) inches and ten (10) feet shall encroach upon the right-of-way at the time of planting or future growth. The Zoning Administrator reserves the right to refer such requests to Township Supervisors, the County Highway Superintendent, or other officials.

THIS PAGE RESERVED FOR FUTURE USE

ARTICLE 12

RURAL TRANSITIONAL DISTRICT (RT)

Section 1201 Intent

The intent of Rural Transitional Districts (RT) is to protect un-developed and under developed lands lying within or adjacent to expected growth corridors from unstructured or incompatible land uses in order to preserve land best suited for planned development to ensure practicality and service delivery.

Section 1203 Permitted Principal Uses and Structures

The following principal uses and structures shall be permitted in a Rural Transitional District (RT):

1. Agriculture;
2. Historic sites;
3. Horticulture; and
4. Utility facilities.

Section 1205 Permitted Accessory Uses and Structures

The following accessory uses and structures shall be permitted in a Rural Transitional District (RT):

1. Accessory agricultural structures.
2. Customary water irrigation systems, other than manure irrigation equipment;
3. Farm drainage systems;
4. Home and farm occupations;
5. Shelterbelts;
6. Signs, banner;
7. Signs, directional off-site;
8. Signs, directional on-site;
9. Signs, easement and utility;
10. Signs, flag;

11. Signs, name and address plate;

12. Signs, on-site;

13. Signs, real estate;

14. Stock dams; and

15. Temporary/seasonal roadside stands.

Section 1207 Conditional Uses

After the provisions of this Ordinance relating to conditional uses have been fulfilled, the Board of Adjustment may permit as conditional uses in a Rural Transitional District (RT):

1. Dwellings, single family.

2. Individual septic or sewage treatment facilities, pursuant to Section 1513;

3. Manure irrigation;

4. Parks;

5. Portable processing plants;

6. Rural Developments, pursuant to Section 1219;

7. Sanitary landfills or restricted use sites, permitted by the Department of Environment and Natural Resources (DENR);

8. Spreading, injection, or other application of manure or animal waste generated by an Animal Feeding Operation, as defined herein, pursuant to Section 519(11)(12);

9. Temporary construction facilities; and

Section 1209 Classification of Unlisted Uses

In order to insure that the zoning ordinance will permit all similar uses in each district, the Planning Commission and Board of Adjustment, upon its own initiative or upon written application, shall determine whether a use not specifically listed as a permitted, accessory, or conditional use in a Rural Transitional District (RT) shall be deemed a permitted, accessory, or conditional use in one or more districts on the basis of similarity to uses specifically listed. The review shall be heard at a regular meeting of the aforementioned bodies and may be required to adhere to the notification requirements as described in Section 1803(3-5).

Section 1211 Prohibited Uses and Structures

All uses and structures which are not specifically permitted as principal, accessory, or conditional uses or approved as such within the provisions of Section 509 shall be

prohibited.

Section 1213 Minimum Lot Requirements

1. The minimum lot area shall be twenty (20) acres;
2. The minimum lot width shall be five hundred (500) feet;
3. The Zoning Administrator may allow a smaller minimum lot requirement where a permit for a single-family home is requested on an existing farmstead site, as defined herein;
4. Lots of record, as defined herein, existing prior to adoption of this ordinance may be developed pursuant to Article 18 and as approved by the Zoning Administrator.
5. An additional dwelling unit is allowed within the farmstead upon approval of the building permit application if it is to be occupied by other members of the family farm unit, provided the property is not transacted or prepared, platted, or described for transaction; and
6. The Zoning Administrator may allow construction of single and multi-family dwelling units not in conformance with this provision only on those lands organized as a 501(d), non-profit religious and apostolic associations as described in the United States Tax Code. Prior to issuance of a building permit or permission to proceed said entity shall file the Articles of Incorporation and other requested documentation with the Zoning Administrator. Construction activities carried on under this provision shall be in conformance with all other provisions of this ordinance.

Section 1215 Minimum Yard Requirements

All yards must meet the following criteria as measured from the lot lines. This Section shall apply to all buildings and structures, including but not limited to decks and patios:

1. There shall be a front yard of not less than a depth of thirty (30) feet, except when said lot is adjacent to or abutting an arterial or collector right-of-way then the depth shall be fifty (50) feet;
2. There shall be a rear yard of not less than a depth of twenty (20) feet;
3. There shall be two (2) side yards, each of which shall not be less than ten (10) feet;
4. Buildings and structures on corner lots as defined herein shall maintain two (2) front yards for the property abutting the road right-of-ways; and
5. The Zoning Administrator may allow construction of single and multi-family

dwelling units not in conformance with this provision only on those lands organized as a 501(d), non-profit religious and apostolic associations as described in the United States Tax Code. Prior to issuance of a building permit or permission to proceed said entity shall file the Articles of Incorporation and other requested documentation with the Zoning Administrator. Construction activities carried on under this provision shall be in conformance with all other provisions of this ordinance.

Section 1217 Traffic Visibility

1. A traffic visibility triangle as defined herein shall be maintained at all road intersections, public and private, driveways, railway crossings, or similar situation as determined by the Zoning Administrator; and

2. Structures, perennial or similar vegetation planted on or immediately adjacent to a road right-of-way public shall be approved in writing by the Zoning Administrator prior to construction or planting. No such vegetation between the heights of thirty (30) inches and ten (10) feet shall encroach upon the right-of-way at the time of planting or future growth. The Zoning Administrator reserves the right to refer such requests to Township Supervisors, the County Highway Superintendent, or other officials.

Section 1219 Development Standards

1. All platted lots shall be part of planned development or subdivision;

2. All planned developments or subdivisions shall be platted with a minimum of four platted lots and recorded with the Register of Deeds;

3. The minimum lot area shall be one (1) acre;

4. The minimum lot width shall be two hundred (200) feet;

5. All yards must meet the following criteria, which shall apply to all buildings and structures, including decks, patios, and car ports:

    a. Front yard of not less than a depth of thirty (30) feet;

    b. Rear yard of not less than a depth of twenty (20) feet; and

    c. Each side yard shall not be less than a width of ten (10) feet.

6. The proposed development must have controlled public road access;

7. Planned developments or subdivisions shall not be located within the 100-year floodplain;

8. All lots within a planned development or subdivision shall be served by a Department of Environment and Natural Resources approved water system;

9. A site plan and topographic maps shall be submitted with the building permit application, said plan and maps shall include, at a minimum:

    a. Proposed site layout;

    b. Storm water drainage;

    c. Roads and streets, including ingress and egress; and

    d. Water and sewer service.

10. Water and sewer or sanitary drainage systems shall be installed by certified plumber and shall comply with all applicable South Dakota Department of Environment and Natural Resources regulations.

THIS PAGE RESERVED FOR FUTURE USE

ARTICLE 13

PLANNED UNIT DEVELOPMENT (PUD)

Section 1301 Intent

The provisions of this article are to be applied in instances where tracts of land of considerable size are developed, redeveloped or renewed as integrated and harmonious units, and where the overall design of such units is so outstanding as to warrant modification of the standards contained elsewhere in this Ordinance. A planned development, to be eligible under this Article, must be:

1. In accordance with the comprehensive plans of the county, including all plans for redevelopment and renewal;

2. Composed of such uses, and in such proportions, as are most appropriate and necessary for the integrated functioning of the planned development and for the county;

3. So designed in its space allocation, orientation, texture, materials, landscaping and other features as to produce an environment of stable and desirable character, complementing the design and values of the surrounding neighborhood, and showing such unusual merit as to reflect credit upon the developer and upon the county; and

4. A minimum of five (5) acres in land area.

Section 1303 Application Procedure

1. An applicant for consideration under the terms of this district, who must be owner, lessee, or the holder of a written purchase option of the tract of land under consideration, shall submit to the County Planning Commission a site plan for the proposed planned unit development. The plan shall indicate:

    A. The location and extent of the proposed planned unit development, including its relationship to surrounding properties;

    B. The exact nature and extent of improvements to be developed or erected upon the tract, including contoured site plans, building plans and elevations, and plans for landscaping and paved areas, transportation patterns, and water and sewer services; and

    C. Such other information as may be required by the County Planning Commission to determine if the proposed planned unit development is consistent with the intent of the district.

2. The County Planning Commission shall, within sixty (60) days of receiving the plan for the proposed planned unit development, consider such plan at a minimum of one public hearing pursuant to Section 1809. Upon consideration, the County Planning Commission shall inform the applicant in writing of its approval or denial of the plan. In the event of denial, the Commission shall inform the applicant of the reason(s) for denial, including any recommended modifications in the plan, which would cause the Commission to reconsider.

3. Upon approval of the plan by the County Planning Commission, it shall forward its written recommendations to the Board of County Commissioners along with a copy of the approved plan, that the tract be designated a Planned Unit Development (PUD) by amendment of the Official Zoning Map.

4. Upon receiving the County Planning Commissioner's written recommendation, the Board of County Commissioners shall consider the proposed development and possible amendment of the Official Zoning Map in accordance with Section 2201.

5. Following the amendment of the Official Zoning Map by the Board of County Commissioners, the County Zoning Administrator may, upon proper application, issue a building permit for construction of the planned unit development in accordance with the approved plan.

Section 1305 Subsequent Performance

Following issuance of a building permit for the planned unit development by the Zoning Administrator, the applicant shall begin construction within a period of six (6) months. Failure to do so shall invalidate the building permit. Construction shall follow precisely the plan approved by the County Planning Commission to which modifications may be granted only by the County Planning Commission upon the filing of an amended plan. Failure to follow the approved plan on the part of the applicant or their agent shall be considered a violation of this Ordinance punishable as herein prescribed.

THIS PAGE RESERVED FOR FUTURE USE

ARTICLE 14
SIGN REGULATIONS

Section 1401 Signs, Billboards, and Other Advertising Structures

Authority: Yankton County's authority to regulate signs, billboards and other advertising structures is specified in South Dakota Codified Law Ch. 31-29.

Intent: The purpose of this Section shall be to establish effective local regulation of outdoor advertising so as to promote the health, safety, and general welfare of those persons using and residing adjacent to public right-of-ways. The following regulations are intended to promote and preserve the natural aesthetics of Yankton County while providing for the convenience of the traveling public, for the promotion of locally available facilities, goods, and services, and to minimize negative impacts on property adjacent to public right-of-ways.

Section 1403 General Provisions:

In any zoning district where signs are allowed, a Yankton County Sign Permit shall be required unless otherwise stated. In addition to all applicable state and federal regulations, any sign erected within the unincorporated area of Yankton County shall be required to conform to the following regulations:

1. New Signs

   A. A Sign Permit shall be required for any new on-premise or off-premise sign installation. At the time of installation, the new sign must conform to all requirements of the Zoning Ordinance at the time of installation. All off-site signs require a Conditional Use Permit.

   B. The provisions of Section 1805 of the Yankton County Zoning Ordinance apply to all Conditional Use Permits. In addition, due consideration shall be given to the relationship between the sign(s) and the natural horizon/view shed in the area of the proposed sign location.

   C. The owner of any sign requiring a permit must apply for and obtain a valid permit as per State Law and this Ordinance before construction or placement of the sign occurs. A sign erected or maintained without a permit is a public nuisance and subject to abatement by the State Department of Transportation or Yankton County, as the case may be.

2. No off-site sign shall be erected or placed closer than 1,500 feet from any residential district and/or dwelling unit.

3. Off-site signs shall be located no closer than 1,500 feet from all other off-site signs.

4. No illuminated sign shall be permitted within 1,500 feet of any dwelling unit or residential district without an approved Conditional Use Permit. All illuminated signs shall be installed and maintained so as to minimize spillage of light outside of the sign face.

5. Off-site signs shall not exceed a height of 30 feet. The maximum display area of any off-premise sign located adjacent to a two or more lane highway shall not exceed 250 square feet on each face. The height of the off-site sign shall be measured from the road surface.

6. All off-site and on-site signs shall be placed or erected in conformity with all applicable side and rear yard setback requirements for structures. The minimum front yard setback requirement for on-site or off-site signs shall be five (5) feet from the property line.

7. No signs, including political signs, are allowed to be located in any public right-of-way, public or private access easement. All signs issued by the Yankton County Planning Department for public notice of proposed land use changes are exempt from this requirement.

8. There shall be a 50 foot separation between an off-site sign and an on-site sign, unless agreed to by the sign owner and property owner.

9. All on-site and off-site sign structures may be painted and maintained in muted colors as to blend into the natural surroundings. Colors may include, but not be limited to, brown, black, or tan. Wood sign structure may remain unpainted and allowed to have a natural patina. At no time shall bright or neon colors be used for either wood or metal sign structures.

10. No debris, including, but not necessarily limited to, wood material, posts, metal, paper, plastic, cardboard or other materials from the construction or maintenance of a sign shall be left at the location or vicinity of a sign. Any violation of this section is hereby declared a nuisance and subject to abatement.

11. On-site signs shall not exceed a height of 30 feet. The maximum display area of any on-premise sign shall not exceed 250-square feet on each side. The height of the on-site sign shall be measured from the road surface.

12. On-site signs, which advertise or direct attention to a home occupation shall not exceed six (6) square feet in area, and shall be limited to one such sign per approved home occupation. A home occupation shall be allowed to have one wall sign or one freestanding sign. The freestanding sign shall not be located closer than 17 feet to the nearest street right-of-way line. A Conditional Use Permit may allow for a larger size sign, if appropriate to the area.

13. Each real estate subdivision that has been approved in accordance with the

regulations of the Zoning Ordinance shall be allowed one on-site sign per entrance, not exceeding 100 square feet in area, advertising the sale of property in such subdivision and/or the name of such subdivision. The subdivision sign shall not encroach into a road right-of-way or road easement. The signs should be aesthetically pleasing and blend into the surroundings.

14. In any zoning district, the following signs shall be allowed with no permit:

    A. Parking Area Permits: For each permitted or required parking area that has a capacity of more than four cars, one sign, not exceeding four (4) square feet in area, may be allowed at each entrance to or exit from such parking area. In addition, one sign, not exceeding nine (9) square feet in area, is allowed for identifying or designating the conditions of use of such parking area.

    B. "For Sale" or "For Rent" signs: Not more than one non-illuminated "For Sale" or "For Rent" sign, not exceeding 32 square feet in area is allowed for the purpose of advertising the sale, rental or lease of the premises on which the sign is located.

    C. "Under Construction" signs: For construction on or development of lots, not more than three signs with a combined total area of 70 square feet, stating the names of contractors, engineers or architects, is allowed during the time that construction or development is actively underway.

    D. "Emergency 911"signs: Residential locator or E-911 signs.

    E. "Political Campaign" signs: Political campaign signs that are temporarily placed on the ground, pending an election, shall not exceed 32 square feet and shall be removed within three days after the election.

    F. "Directional" signs: Directional signs shall not exceed 20 square feet.

    G. "Temporary" signs: As defined in this Zoning Ordinance.

15. Applications and Permitting

    Applications for a Sign Permit shall be made in writing upon forms furnished by the Yankton County Planning Department. No permit shall be issued until each sign application is approved by the Planning Official or the Yankton County Planning Board and Yankton Board of Adjustments in the case of a Conditional Use Permit. At a minimum, the following complete information shall be provided before an application is considered:

    A. Name and address of the sign owner and the contractor.

    B. Name and address of the property owner where the sign is to be located.

C. The legal description of the proposed sign location.

D. Clear and legible drawing of the proposed sign to scale with description of the sign showing construction type and lighting.

E. Site plan showing the location and setbacks on the property where the sign is to be located.

F. The property owner's notarized signature.

G. Global Positioning Systems (GPS) coordinates of proposed sign.

H. Other such data and information deemed necessary by the Yankton County Planning Department.

16. No off-site or on-site sign shall be constructed which resembles any official marker erected by a governmental entity or which by reason of position, shape or color would conflict with the proper functioning of any official traffic control device, sign or marker.

17. Owners of on-site and off-site signs are encouraged to allow public service announcements to be located on signs that will display no advertisement for more than thirty calendar days.

18. A vehicle or trailer of any form or type, whether licensed or not or in working condition or not, intended to be used as or in conjunction with an on-site or off-site sign, shall not be located adjacent to any public right-of-way or on private or public property so as to be visible from the public right-of-way.

19. Outdoor Lighting For Outdoor Advertising:

    Lighting: Signs may be illuminated subject to the following restrictions:

    Signs that contain, include, or are illuminated by any flashing, intermittent (less than six seconds) moving light(s) are prohibited.

    A. Electronic variable message signs giving public information such as, but not limited to, time, date, temperature, weather, or other similar information, and commercial electric variable-message signs which function in the same manner as multiple-face signs are permitted, provided such signs do not interfere with traffic safety, do not change messages less than every six seconds and do not resemble or simulate traffic control or safety devices or signs. Given the commercial and intrusive nature of these signs, there placement shall be limited to Commercial Districts (C).

    B. Signs must be effectively shielded to prevent beams or rays from being directed toward any portion of the traveled ways, and must not be of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with any driver's operation of a motor vehicle.

C. No off-site sign shall be lighted after 12:00 midnight, unless otherwise permitted through a Conditional Use Permit.

20. A nonconforming sign or sign structure existing at the time of the adoption of Article 14 of the Zoning Ordinance as amended, may be continued, maintained, and repaired as follows: Any sign or sign structure not required to be removed or until the time of actual removal, may be used and may be repaired if the expense of ordinary and customary maintenance does not exceed fifty percent of the depreciated value of the sign or if the same has not been damaged beyond fifty percent of its depreciated value by an act of God unless special circumstances warrant a variance by the Board of Adjustment, such as, but not necessarily limited to acts of vandalism or an accident.

21. No sign shall exceed two (2) sides. Signs shall have no more than one frontal face (front) and one back face (back) as viewed from one static position.

22. The changing of advertising messages or face on an existing sign shall be allowed without fee or permit. The changing of advertising messages on an existing sign shall be allowed without fee or permit.

Section 1405 Enforcement of Sign Ordinance

1. In addition to any and all remedies allowed under the laws of the State of South Dakota and this Zoning Ordinance, a violation of any requirement of this ordinance shall also be subject to the penalties as outlined in Article 23, Section 2303 of the Zoning Ordinance.

2. Unlawful Signs

Whenever it shall be determined by the Zoning Administrator that any sign or sign structure has been constructed or erected or is being maintained in violation of the terms of this Zoning Ordinance or has been abandoned, said sign or sign structure is hereby declared to be unlawful. Any sign or sign structure found to be unlawful shall be made to conform to all applicable laws and regulations or shall be removed at the expense of the sign owner or landowner (if the sign owner is unknown and reasonable efforts have been made to locate the sign owner with no success).

3. Removal of Signs

A. The Yankton County Board of Commissioners or the Zoning Administrator may cause to be removed any unlawful sign or sign structure. The Yankton County Planning Department shall prepare a written notice which shall describe the sign and specify the violation involved and shall state that if the sign is not removed or the violation or condition is not corrected within 30 calendar days from the date of the notice, the sign shall be removed in accordance with the provision of this Zoning Ordinance at the expense to the

sign owner or landowner (if the sign owner is unknown and reasonable efforts have been made to locate the sign owner with no success).

B. Service of the notice shall be made upon the sign owner or landowner (as applicable) by mailing a copy of such notice by certified mail, postage prepaid, return receipt requested. If service is made upon the landowner, service shall be to the landowner at their address as it appears on the last equalized assessment role of the County.

C. Any person receiving notice may appeal the determination of the Zoning Administrator by filing a written notice of appeal to the Yankton County Commissioners within seven (7) days of receipt of the notice. Failure by any person to appeal the notice within that time period shall constitute a waiver of right to an administrative hearing.

D. The sign owner or landowner, if the sign owner is unknown, shall have One (1) year to remove advertisements for establishments that are no longer in business.

Section 1407 The following types of signs shall be allowed in the following Districts

1. Agriculture District (AG) and Rural Transitional District (RT):

   A. Business signs, excluding all variable electronic lighting as in Section 1403, paragraph 19.

   B. Advertising signs for agricultural products only. Signs four (4) square feet or less are exempted.

   C. Off-site signs, upon issuance of a Conditional Use Permit, as regulated in Article 18, Section 1805 - Conditional Use Permits.

   D. Community signs.

2. Rural Residential District (R1, R-2, R-3):

   A. Business signs, excluding all variable electronic lighting as in Section 1403, paragraph 19.

   B. Community signs.

3. Planned Unit Development District (PUD)

   A. Business signs, excluding all variable electronic lighting as in Section 1403, paragraph 19.

   B. Off-site signs provided they are permitted in the conditions of PUD approval or upon issuance of a Conditional Use Permit, as regulated in Article 18, Section 1805 - Conditional Use Permits.

C. Community signs.

4. Lakeside Commercial Districts (LC)

   A. Business signs, excluding all variable electronic lighting as in Section 1403, paragraph 19.

   B. Off-site signs, upon issuance of a Conditional Use Permit, as regulated in Article 18, Section 1805 - Conditional Use Permits.

   C. Community signs.

5. Commercial (C):

   A. Business signs.

   B. Off-site signs, upon issuance of a Conditional Use Permit, as regulated in Article 18, Section 1805 - Conditional Use Permits.

   C. Community signs.

Section 1409 Permits and Fees

Permits and fees for signs shall be as determined by the Yankton County Commission pursuant to Article 17 – Sections 1721 - 1735.

THIS PAGE RESERVED FOR FUTURE USE

ARTICLE 15

SUPPLEMENTARY DISTRICT REGULATIONS

Section 1501 Accessory Buildings

No accessory building shall be erected in any defined setback and no separate accessory building shall be erected within five (5) feet of any other building. It shall be unlawful for any person, firm, or corporation in the following Yankton County Zoning Districts: Low Density Rural Residential (R1), Moderate Density Rural Residential (R2), High Density Rural Residential (R3), Manufactured Home Park (MHP), Lakeside Commercial (LC), Rural Transitional (RT), Planned Unit Development (PUD) to use any van body, truck body, semi-trailer, rail car, "shipping crate", and/or any vehicle no longer used for its manufactured purpose as a storage shed, storage building, warehouse, or as residential living quarters. It shall be unlawful to use manufactured homes for any use other than residential living quarters. However, this shall not prevent the lawful parking of vehicles properly licensed, insured, and in regular use for their intended purpose to include 'RVs' and camping trailers.

Section 1503 Erection of More than One Principal Structure on a Lot

In any district, more than one structure, housing a permitted or permissible principal use, may be erected on a single lot, provided, that yard and other requirements of this Ordinance shall be met for each structure as though it were on an individual lot.

Section 1505 Manufactured Homes

No camping unit, mobile, or manufactured homes shall be parked and occupied in any district for more than forty-eight (48) hours, except upon a special permit issued by the Zoning Administrator. Such permit shall be issued for a period not to exceed fourteen (14) days and shall not be renewable within the same calendar year. Provided, however, a permit may be issued for parking and occupying a camping unit, mobile, or manufactured home on land owned by the occupant or occupants, during the construction of a house thereon or for a period not exceeding one (1) year and which shall be renewable for an additional period not exceeding one (1) year. However, if material progress with site development or house construction is not made within forty-five (45) days from the issuance of a permit, or if site or construction work ceases for a consecutive period of forty-five (45) days, said permit shall become void. This Section shall not be applicable when a manufactured home is used for agricultural-related (nonhuman habitation) purposes.

Section 1507 Manufactured Home Performance Standards I

Manufactured homes placed within the applicable zoning district, shall comply with the following requirements:

1. The roof shall be shingled with conventional roofing products;

2. The pitch of the main roof shall be not less than one (1) foot of rise for each three (3) feet of horizontal run;

3. The exterior walls shall be encased with conventional house siding; flat or corrugated sheet metal is prohibited;

4. The manufactured home shall be placed on and anchored to a permanent foundation constructed of wood or masonry. At a minimum, the foundation shall include frost footings, piers, and anchor bolts as prescribed with the manufactured home's design. The foundation shall be inspected and approved by the Zoning Administrator prior to placement of the home;

5. A semi-permanent structure replicating an exterior foundation wall shall form a complete enclosure around the perimeter of the home from the lower edge to the ground. The design and materials list shall be approved by the Zoning Administrator prior to placement of the home;

6. The minimum width of the main body of the manufactured home as assembled on the site shall not be less than twenty (20) feet, as measured across the narrowest portion;

7. The running gear and hitch shall be removed;

8. Anchored to the ground to resist tipping and lateral movement in the manner contemplated by the manufactured design;

9. The manufactured home shall meet or exceed the federal HUD Manufactured Home Construction and Safety Standards; and

10. Prior to placement of home on the foundation, the County Zoning Administrator must approve the foundation and exterior foundation wall.

Nothing contained in this Regulation shall prevent a permanent manufactured home from being placed on an established farmstead, to be used as a secondary residence, so long as it is connected to the existing farm operation on non-deeded land.

Section 1509 Manufactured Home Performance Standards II

Manufactured homes placed within the applicable zoning district, shall comply with the following requirements:

1. The roof shall be shingled with conventional roofing products;

2. The pitch of the main roof shall be not less than one (1) foot of rise for each three (3) feet of horizontal run;

3. The exterior walls shall be encased with conventional house siding; flat or

corrugated sheet metal is prohibited;

4. The minimum width of the main body of the manufactured home as assembled on the site shall not be less than fourteen (14) feet, as measured across the narrowest portion;

5. The manufactured home shall be skirted with a material which is not highly combustible and installed around the perimeter of the home from the bottom of the home to the ground;

6. Anchored to the ground to resist tipping and lateral movement in the manner contemplated by the manufactured design; and

7. The manufactured home shall meet or exceed the federal HUD Manufactured Home Construction and Safety Standards.

Nothing contained in this Regulation shall prevent a permanent manufactured home from being placed on an established farmstead, to be used as a secondary residence, so long as it is connected to the existing farm operation on non-deeded land.

Section 1511 Existing Trailer Park Performance Standards

Prior to any changes, replacement, modification, addition, or increase to any existing Trailer Parks, as defined herein, the owner of said property shall provide, at a minimum, a site development plan pursuant to Section 1723.

The Zoning Administrator and Planning Commission shall review the plan. No activity as mentioned herein shall continue until the Planning Commission has approved said plan. The Planning Commission shall have the discretion to review the plan at a meeting format of their choice.

In addition, existing Trailer Parks shall comply with the following standards:

1. The minimum distance required for the separation of a manufactured home from side and rear lot lines shall be ten (10) feet. In no case shall a manufactured home be closer than twenty (20) feet from another manufactured home;

2. The minimum setback distance required from a public right-of-way shall be thirty (30) feet; and

3. It shall be unlawful to use manufactured homes for any use other than residential living quarters. It will also be unlawful for any person, firm, or corporation to use any van body, truck body, semi-trailer, rail car, “shipping crate”, and/or any vehicle no longer used for its manufactured purpose as a storage shed, storage building, warehouse, or as living quarters.

Section 1513 Individual Septic System Performance Standards

Individual septic systems or similar systems proposed for lots one (1) acre or less in

size or where the concentration of development shall merit such review as determined by the Zoning Administrator, prior to construction or development of a lot:

1 Soil suitability;

2 Percolation test; and

3 Impact of proposed system on existing systems within the area.

Section 1515 Quarries and/or Mining

All mining activity shall be conducted in accordance with SDCL 45-6.

Section 1519 Right-of-Way Preservation Standards

No structure shall be permitted to occupy any right-of-way or future public right-of-way. Right-of-way or future public right-of-way shall include a minimum of a sixty six (66) foot corridor centered on each one quarter (¼) line and each one sixteenth (1/16) line. This section shall apply to legally established sections within the township and range system. This section shall be subject to the Planning Commission's and Board of Adjustment's determination of applicability and implementation.

Section 1521 Campgrounds

Any campgrounds shall be no less than five (5) acres in size and be of contiguous or abutting lands.

Section 1525 Camping Units

No camping unit as defined herein shall be parked and occupied upon a lot and not within a designated campground for a period greater than fourteen (14) days within a calendar year unless in accordance with Section 1505. Any camping unit placed with the intent to occupy said unit for a period greater than fourteen (14) days within a calendar year and not pursuant to Section 1505 shall obtain a conditional use prior to occupying said camping unit on the fifteenth or greater day. This Section shall apply whether the camping unit is placed for a continuous period or intermittently throughout a calendar year.

THIS PAGE RESERVED FOR FUTURE USE

ARTICLE 16

NONCONFORMANCE

Section 1601 General

Within the districts established by this Ordinance or amendments that may later be adopted, there exists

1. Lots;
2. Structures;
3. Uses of land and structures; and
4. Characteristics of use.

Which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendment; it is the intent to permit these nonconformities to continue until they are removed~~, but not to encourage their survival~~. It is further the intent that nonconformities shall not be ~~enlarged upon, expanded, or extended, nor be~~ used as grounds for adding other structures or uses prohibited elsewhere in the same district.

~~Nonconforming uses are declared to be incompatible with permitted uses in the districts involved. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of structure and land in combination shall not be extended or enlarged after passage of this revised Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses, of a nature which would be prohibited generally in the district involved.~~

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been carried on diligently.

Section 1603 Nonconforming Lots of Record

In any district in which, single family dwellings, manufactured; or modular homes are permitted, these structures and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance, not withstanding limitations imposed by other provisions of this Ordinance. This provision shall apply even though such lots fail to meet requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. ~~Such lots must be in separate ownership and not of continuous frontage with other~~

~~lots in the same ownership.~~ Variance of other yard requirements shall be obtained only through action of the Planning Commission and Board of Adjustment, pursuant to Sections 1807 and 1907.

Section 1605 Nonconforming Uses of Land (or Land with Minor Structures Only)

Where at the time of passage of this revised Ordinance lawful use of land exists, which would not be permitted by the regulations imposed by this Ordinance, and where such use involves no individual structure with a replacement cost exceeding one thousand (1,000) dollars, the use may be continued so long as it remains otherwise lawful, provided:

1. No such nonconforming use shall be enlarged ~~or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;~~ in any way that increases its nonconformance;

2. No such nonconforming use shall be moved, in whole or in part, to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance;

3. If any such nonconforming use of land ceases, for any reason, for a period of more than one (1) year, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located; and

4. No additional structure, not conforming to the requirement of this Ordinance, shall be erected in connection with such nonconforming use of land.

Section 1607 Nonconforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance, that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. Any structure specifically identified as a permitted principal use in a district, under the terms of this Ordinance, shall be deemed a conforming use without further action. Said structure shall be subject to all remaining provisions of this Ordinance. As a conforming use the structure is entitled to the administrative and legislative provisions identified herein;

2. No such nonconforming structure may be enlarged or altered in any way, which increases its nonconformity, but any structure, or portion thereof, may be altered to decrease its nonconformity;

3. A structure shall be allowed to expand ~~by no more than twenty five (25) feet~~ provided such expansion does not further extend the nonconformity beyond

the nonconforming plane of the existing structures;

4. ~~Should such nonconforming structure, or nonconforming portion of structure, be destroyed by any means, to an extent of more than seventy-five (75) percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance; and~~

5. ~~Should~~ ~~s~~Such structure may be moved ~~for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.~~ only to decrease its nonconformance.

Section 1609 Nonconforming Uses of Structures or of Structures and Premises in Combination

If the nonconforming use involving individual structures with a replacement cost of one thousand (1,000) dollars or more, or of structure and premises in combination, exists at the effective date of adoption or amendment of this Ordinance that would not be allowed in the district under the terms of this Ordinance, the nonconforming use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, or moved ~~or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located~~;

2. Any nonconforming use may be extended throughout any part of a building which was manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any previously unoccupied land outside such building or facility;

3. A structure shall be allowed to expand ~~by no more than twenty five (25) feet~~ provided such expansion does not further extend the nonconformity beyond the nonconforming plane of the existing structures;

4. If no structural alterations are made, any nonconforming use of a structure or structure and premises may, as a conditional use, be changed to another nonconforming use provided that the Board of Adjustment, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accordance with the provisions of this Ordinance;

5. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed;

6. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for a period of more than one (1) year (except when government action impedes access to the premises), the structure, or structure and

premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located; and

7. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

Section 1611 Uses Under Conditional Use Provisions are Conforming Uses

Any use, which is permitted as a conditional use in a district, under the terms of this Ordinance, shall be deemed a conforming use in such district without further action. A nonconforming use can never be allowed in a defined district without a change in the district definition or boundaries. As a conforming use the structure is entitled to the administrative and legislative provisions identified herein.

~~Any use subject to the provisions of this section shall apply for a conditional use and receive approval prior to constructing, erecting, placing, or siting any structure directly associated with the identified conditional use.~~

~~**Permitted Principal Uses**~~	~~**Conditional Uses**~~	~~**Nonconforming**~~
~~Allowed within defined district.~~	~~Allowed within defined district AFTER Board grants permission.~~	~~Never allowed within defined district without change in district definitions or boundaries.~~

THIS PAGE RESERVED FOR FUTURE USE

ARTICLE 17

ADMINISTRATIVE PROCEDURE AND ENFORCEMENT

Section 1701 Yankton County Zoning Administrator

An administrative official who shall be known as the Zoning Administrator and who shall be designated by the Yankton County Commission shall administer and enforce this ordinance. They may be provided with the assistance of such other persons as the County Commission may direct.
If the Zoning Administrator shall find that any of the provisions of this Ordinance are being violated, they shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. They shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by the Ordinance to insure compliance with or to prevent violation to its provisions. The Zoning Administrator shall report all actions to the Planning Commission and County Commission at the next general meeting of each.

Section 1703 Right of Entry

Whenever necessary to make an inspection to enforce any of the provisions of this ordinance, or whenever the Zoning Administrator or an authorized representative has reasonable cause to believe that there exists in any building or upon any premises an ordinance violation, the Zoning Administrator or an authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Zoning Administrator by this ordinance, provided that if such building or premises be occupied, they shall first present proper credentials and request entry; and if such building or premises be unoccupied, they shall first make an reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the Zoning Administrator or an authorized representative shall have recourse to every remedy provided by law to secure entry.

Section 1705 Planning Commission Appointment and Terms

The Yankton County Commission shall appoint a Planning Commission, as provided in SDCL 11-2-2. The County Planning Commission shall consist of an odd number of members, including at least one (1) county commissioner. The term of each of the appointed members of the County Planning Commission shall be for three (3) years; provided, that when the Planning Commission is first appointed, the lengths of the terms shall be varied so that no more than one-third (1/3) of the terms shall expire in the same year. Any appointed member of the County Planning Commission may be removed for cause, after hearing prior to the expiration of their term by a majority vote of the elected members of the Board of County Commissioners. Administrative officials of the county may be appointed as ex officio members of the commission.

The Planning Commission shall adopt rules necessary for the conduct of its affairs

and keeping with the provisions of this Ordinance including the selection of a Chairperson and Vice-Chairperson. The Commission shall have a quorum present prior to conducting official business. A quorum shall be defined as fifty one (51) percent of the Commission's total membership. The term of the Chairman and Vice-Chairman shall be for one (1) year. The Planning Commission shall keep a record of all proceedings. Meetings shall be regularly scheduled and held at the call of the Chairman, at such other times as the Planning Commission may determine, but in no event, shall the Commission meet less than once (1) every three (3) months. All meetings of the Planning Commission shall be open to the public except as provided by SDCL 1-25-5. Those meetings designated as public hearings shall allow for testimony from all interested parties.

Section 1707 Planning Commission Voting Requirements

The Planning Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failure to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be filed with the County Auditor. All votes shall be by simple majority of the members present. An abstention vote shall not be considered as a vote in the positive or negative. The Planning Commission shall adopt from time to time, additional regulations, as it may deem necessary to carry appropriate provisions of this Ordinance into effect. No official action or vote shall be acted upon without a quorum present in accordance with Section 1705.

Section 1709 Planning Commission Amendment and Rezoning Duties

Upon notification of a request for an amendment or rezone or any part thereof the Planning Commission shall schedule a public hearing. The Commission shall discuss the application and formulate a recommended action. The recommendation should be in the form of a motion clearly stating the Commission's recommended action. The Commission shall forward its recommendation to the County Commission at least ten (10) days in advance of the County Commission meeting at which the application is being considered.

Section 1711 Planning Commission Variance and Conditional Use Duties

The Planning Commission shall review all applications for variances or conditional uses at an official public hearing of the Commission. Notice of the time and place of the hearing shall be given pursuant to Section 1803 (3-5). Any person may appear and support or protest the pending action. In hearing conditional use and variance applications, the Commission shall discuss the application and formulate a recommended action. The recommendation should be in the form of a motion clearly stating the Commission's recommendation. The Commission shall forward its recommendation to the Board of Adjustment at least ten (10) days in advance of the Board of Adjustment meeting at which the application is being considered.

Section 1713 Board of Adjustment Appointment and Terms

The Yankton County Commission shall serve as the Board of Adjustment. The Board of Adjustment is hereby designated to hear all requests for variances, conditional uses and appeals.

The County Auditor shall act, as secretary to the Board of Adjustment when acting in zoning cases, but shall take no part in the deliberations. Meetings of the Board of Adjustment acting in zoning cases shall be held at the call of the Chairperson and at such other times, as the Board shall determine.

All meetings of the Board of Adjustment shall be open to the public. Those meetings designated as public hearings shall allow for testimony from all interested parties. The Board, acting in zoning cases, shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent, or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the County Auditor by 5:00 P.M. the following business day and shall be a public record.

Section 1715 Board of Adjustment Voting Requirements

The Board of Adjustment shall, upon a vote of two-thirds (2/3) (4 of 5) of the full membership of the Board of Adjustment, overrule the Zoning Administrator or grant conditional uses or variances to the terms of this ordinance.

Section 1717 Board of Adjustment Appeal, Variance, and Conditional Use Duties

Upon notification of a request for an appeal, variance, conditional use, or any part thereof the Board of Adjustment shall schedule a public hearing. Notice of the time and place of the hearing shall be given pursuant to Section 1903. Any person may appear and support or protest the pending action. The Board shall discuss the application and formulate a decision. The decision should be in the form of a motion clearly stating the Board's decision and the reasons supporting said decision. All requests shall be in accordance with Articles 18, Article 19 and Article 20. Appeals of a Board decision shall be done pursuant to Section 2101.

Section 1719 County Commission Amendment and Rezoning Duties

The County Commission may amend, supplement, change, modify, or repeal any regulation, restriction, boundary, or enforcement provision established in the zoning ordinance or Zoning Map. The County Commission shall forward a copy of the proposed changes to the Planning Commission for public review and comment pursuant to Section 1809. Upon receipt of the comments from the Planning Commission the County Commission shall provide a notice of public hearing pursuant to Section 2003. The County Commission shall thereafter either adopt or reject such amendment, supplement, change, modification, or repeal. If adopted the County Commission shall publish a notice of fact of adoption once in a legal newspaper of the County and take effect on the twentieth day after its publication. (SDCL 11-2-30)

Section 1721 Building Permits

No construction shall commence on any building or structure, which meets any one (1) of the criteria listed below without a permit therefore, issued by the Zoning

Administrator. A building permit shall not be issued by the Zoning Administrator except in conformity with the provisions of this Ordinance, unless they received a written order from the Board of Adjustment in the form of an administrative review, conditional use, or variance as provided by this Ordinance. All building permits are subject to the appeal process; therefore, any work begun prior to the appeal period shall be at the owner's risk.

Building permits are required in the following instances:

1. For any structure or building in which the structure or building is erected, partially erected, moved, added to, or structurally altered;

2. For any structure or building in which the use for that structure or building is significantly changed; or

3. For any structure or building, regardless of cost, if additional land or area is required for the improvements to be sited on.

An exemption/exception from a building permit does not automatically preclude the activity from the remaining zoning regulations. Exceptions to building permits shall be:

1. Remodeling, improvements, or maintenance provided such activity does not include structural alterations or require additional land or space;

2. Concrete slabs on grade;

3. Fences, corrals, and windbreaks pursuant to Section 517;

4. Semi-portable agricultural structures; and

5. A (one) one hundred twenty (120) square foot accessory building without a sub-grade foundation.

Section 1723 Applications for Building Permits, Conditional Uses, Variances, and Amendments

All applications for building permits, conditional uses, variances, amendments, and rezoning must be signed or approved in writing by the owner of record. In the event the owner of record has a binding purchase agreement contingent on the approval of the building permit, conditional use, or variance the potential purchaser may submit and sign all documents required for application. All applications for building permits shall be accompanied by a site plan.

The site development plan shall be drawn to scale and indicate the following:

1. Location and topography of the proposed structure(s), including adjacent property owners and proximity to federal, state highways, and to county, township, or city roads;

2. A north arrow;

3. The actual dimensions and shape of the lot to be built upon;
4. The exact sizes and locations on the lot of buildings already existing, if any, and the location and dimensions of the proposed building or alteration;
5. Property lines and square footage of the proposed structure(s);
6. Location and dimensions of all easements and right-of-ways;
7. General road and pedestrian walkway plan;
8. General utility and sewer plans with proximity and proposed connection to central or individual services; and
9. Site drainage plan and development impact on culverts, etc.

Refer to document entitled Site Plan Requirements for a detailed example of a site plan.

The application shall include such other information as may be lawfully required by the Zoning Administrator, including existing or proposed building or alterations; existing or proposed uses of the building and land; the number of families, housekeeping units, rental units, or animal units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this Ordinance. The Zoning Administrator shall return one (1) copy of the application to the applicant after they shall have marked such copy either as approved or disapproved and attested to same by their signature on such copy.

If a building permit is refused, the Zoning Administrator shall state the reasons for such refusal in writing. The Zoning Administrator shall retain the original and one (1) copy of the application, similarly marked. The issuance of a building permit shall in no case be construed as waiving any provisions of this Ordinance.

Section 1725 Expiration of Building Permits, Conditional Uses and Variances

The building permit shall expire if the work described in any building permit, conditional use, or variance has not begun within one hundred eighty (180) days from the date of issuance.

The building permit shall also expire if the work described in any building permit, conditional use, or variance has not been completed within two (2) years from the date of issuance.

Section 1727 Construction and Use to be as Provided in Application, Plans, Permits, and Application for Zoning Compliance

Building permits issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Use arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance, and punishable as provided by Section 2303 of this

ordinance.

Section 1729 Schedule of Fees, Charges, and Expenses

The Yankton County Commission shall establish a schedule of fees, charges, and expenses and a collection procedure for variances, conditional uses, amendments, appeals, and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the office of the Zoning Administrator and may be altered or amended only by the Yankton County Commission. Until all application fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

Section 1731 Building Permit in a Conspicuous Place

All building permits issued by the Zoning Administrator must be placed along the property's frontage to be visible from the nearest public access point. If a property does not have a road frontage, then such permits shall be placed upon the available right-of-way and upon the property in a conspicuous location within 5 working days of receipt of the building permit and must remain for the duration of the construction of work described.

Section 1733 Reserved for future use

Section 1735 Bad Actor Legislation

The Yankton County Commission may reject an application for any permit filed for a building permit, variance, conditional use, amendment, rezoning, or otherwise for the reasons and on the grounds set forth in SDCL 1-40-27, as revised and amended. Such rejection shall be based upon a specific finding by the Commission that the applicant has engaged in the activity identified in the aforesaid statute. The burden on the Commission to make the specific finding provided for herein shall be by a preponderance of the evidence.

THIS PAGE RESERVED FOR FUTURE USE

ARTICLE 18

PLANNING COMMISSION

Section 1801 Powers and Duties

The Planning Commission shall have the power to hear requests for conditional uses, variances, amendments, change in zone, and other official actions as authorized.

Section 1803 Notification

1. The applicant will meet with the Zoning Administrator to discuss requirements of Sections 1723 and Section 1729;

2. Applicant, along with Zoning Administrator, will prepare First and Second Notification letters and accompanying affidavit;

3. Notice of the hearing date shall be given at least ten (10) days in advance by publication in a legal newspaper of the county;

4. A good faith effort must be made by the applicant to notify all property owners of land in accordance with the following provisions:

   A. Projects within lands zoned Agriculture shall notify all property owners lying within two thousand six hundred forty (2,640) feet of the property on which the appeal is pending.

   B. Projects within lands not zoned Agriculture shall notify all property owners lying within one thousand three hundred twenty (1,320) feet of the property on which the appeal is pending.

The list of landowners to be notified shall be determined by records of the Director of Equalization. The Planning Department shall provide the applicant with "Notice of Hearing" forms for this purpose, and the notices shall be given to each owner of record by depositing such notice in the United States Post Office not less than ten (10) days prior to the hearing date and supported by affidavit certifying that the required mailing was completed. The affidavit shall be provided to the Planning Department at least seven (7) days prior to the Planning Commission meeting.

5. A notification sign furnished by Yankton County shall be posted on the property by the applicant upon which action is pending at least seven (7) days prior to the hearing date. Such signs shall be placed along the property's access frontage so as to be visible from the nearest public access point. If a property does not have a road frontage, then such signs shall be placed upon the closest available right-of-way and upon the property. Said signs shall be not less than one hundred

and eighty-seven (187) square inches in size. It shall be unlawful for any person to remove, mutilate, destroy, or change such posted notice prior to such hearings;

Section 1805 Conditional Uses

The Planning Commission shall have the power to hear and make recommendations, in accordance with the provisions of this Ordinance, upon conditional uses. The Commission shall not review a conditional use request unless and until all documents required for said use have been satisfactorily completed and all required fees have been paid in full. The Planning Commission shall review all conditional use applications at an official public hearing of the Commission. Prior to hearing a request for a conditional use the following requirements shall be met.

1. The applicant shall specifically cite, within the application the section of this Ordinance under which the conditional use is sought and stating the grounds on which it is requested;

2. Notice of public hearing shall be given, as in Section 1803 (3-5);

3. The public hearing shall be held. Any party may appear in person, or by agent or attorney;

4. The Planning Commission shall make a finding and recommendation that it is empowered under the section of this Ordinance described in the application, to include:

    A. Recommend granting of the conditional use;

    B. Recommend granting with conditions; or

    C. Recommend denial of the conditional use.

5. Before any conditional use is decided, the Planning Commission shall make written findings certifying compliance with the specific rules governing individual conditional uses and that satisfactory provision and arrangement has been made concerning the following, where applicable:

    A. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;

    B. Off right-of-way parking and loading areas where required; with particular attention to the items in (A) above and the economic, noise, glare or odor effects of the conditional use on adjoining properties and properties generally in the district;

    C. Refuse and service areas, with particular reference to the items in (A) and (B) above;

    D. Utilities, with reference to locations, availability, and compatibility;

E. Screening and buffering with reference to type, dimensions, and character;

F. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district;

G. Required yards and other open spaces; and

H. General compatibility with adjacent properties and other property in the district and that the granting of the conditional use will not adversely affect the public interest.

Section 1807 Variances

The Planning Commission shall have the power to hear requests for variances from this Ordinance in instances where strict enforcement would cause unnecessary hardship, and to recommend approval only in accordance with this ordinance. The Commission shall not review a variance unless and until all documents required for application for said request have been satisfactorily completed and all required fees have been paid in full.

1. No such variance shall be recommended for approval by the Planning Commission unless it finds:

   A. The strict application of the ordinance would produce undue hardship;

   B. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;

   C. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the grant of the variance; and

   D. The granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, and caprice.

2. No variance shall be recommended for approval unless the Planning Commission finds the condition or situation of the property concerning or the intended use of the property concerned, or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment of this ordinance.

3. A recommendation of approval concerning a variance from the terms of this ordinance shall not be founded by the Planning Commission unless and until:

   A. A written application for a variance is submitted demonstrating that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings, in the same district;

B. The literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;

C. The special conditions and circumstances do not result from the actions of the applicant; and

D. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structure, or buildings in the same district.

4. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

5. Notice of public hearing shall be given, as in Section 1803 (3-5).

6. The public hearing shall be held. Any party may appear in person for by agent or by attorney.

7. The Planning Commission shall make findings that the requirements of this Section have been met by the applicant for a variance; the Commission shall further make a finding that the reasons set forth in the application justify the recommendation of granting the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure; the Planning Commission shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

8. In recommending approval of any variance, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with this ordinance.

9. Under no circumstances shall the Planning Commission recommend granting a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

The recommendation should be in the form of a motion clearly stating the Commission's recommended action. The Commission shall forward its recommendation to the Board of Adjustment at least ten (10) days in advance of the Board of Adjustment meeting at which the application is being considered.

Section 1809 Amendments and Rezoning

The Planning Commission shall have the power to hear and make recommendations, in accordance with provisions of this Ordinance, on requests for amendment or change in zoning. A petition for an amendment or change in zoning will not be acted

upon until:

1. All documents required for application for said request have been satisfactorily completed and all required fees have been paid in full.

2. The individual petitioner provides a completed amendment or change in zone request. Said request must clearly state:

    A. Special conditions and circumstances exist which require the land to be rezoned;

    B. The special conditions and circumstances do not result from the actions of the applicant; and

    C. The granting of the amendment or change in zoning will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structure, or buildings in the area.

3. Notice of public hearing shall be given, as in Section 1803 (3-5).

4. The public hearing shall be held. Any party may appear in person or by agent or attorney.

5. The Planning Commission shall make findings that the requirements of this Section have been met by the applicant for an amendment or change in zone, to include:

    A. The reasons set forth in the application justify a recommendation to approve the amendment or change in zone;

    B. The amendment or change in zone will make possible the reasonable use of the land, building, or structure;

    C. A recommendation to grant the amendment or change in zone will be in harmony with the general purpose and intent of this ordinance; and

    D. A recommendation of approval will not be injurious to the neighborhood, or otherwise detrimental to the public welfare as presented and testified to by the applicant.

6. No petition for amendment or change in zone shall be recommended for approval unless the Planning Commission finds that the condition, situation or the intended use of the property concerned is unique, required, or necessary as to make reasonably practicable the amendment or change in zone.

7. Before any amendment or petition for rezoning is recommended for approval, the Planning Commission shall make written findings certifying compliance with:

    A. The Comprehensive Plan;

B. Specific rules governing land uses;

C. Zoning district regulations; and

D. Satisfactory provision and arrangement has been made concerning the following, where applicable:

1. Certification of compliance with all ordinances and regulations regarding licensing and zoning, health, plumbing, electrical, building, fire prevention, and all other applicable ordinances and regulations;

2. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;

3. Off right-of-way parking and loading areas where required; with particular attention to the items in (A) above and the economic, noise, glare or odor effects of the amendment or rezone on adjoining properties and properties generally in the district;

4. Refuse and service areas, with particular reference to the items in (A) and (B) above;

5. Utilities, with reference to locations, availability, and compatibility;

6. Screening and buffering with reference to type, dimensions, and character;

7. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district;

8. Required yards and other open spaces; and

9. General compatibility with adjacent properties and other property in the district.

8. In recommending approval of any petition for amendment or change in zone, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with this ordinance.

THIS PAGE RESERVED FOR FUTURE USE

ARTICLE 19

BOARD OF ADJUSTMENT

Section 1901 Powers and Duties

The Board of Adjustment shall have the power to hear requests for variances, conditional uses and appeals of a decision rendered by the Zoning Administrator.

Section 1903 Appeals

The Board of Adjustment shall have the power to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator based on or made in the enforcement of any zoning regulation or any regulation relating to the location or soundness of structures or to interpret any map. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment, that by reason of facts stated in the certificate a stay would, in their opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by a court of competent jurisdiction on application or notice to the officer for whom the appeal is taken and on due cause shown. Prior to hearing an appeal, the following requirements shall be completed.

1. The Board of Adjustment and appellant shall act upon appeals pursuant to Section 2101.

2. Any person aggrieved by a decision of the Zoning Administrator shall file a written intent to appeal with the Zoning Administrator within ten (10) working days after the building permit has been issued in accordance with Section 1731. A full written appeal must be filed with the Zoning Administrator within five (5) additional working days.

3. The Zoning Administrator shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed was taken;

4. Notice of the hearing date shall be given at least ten (10) days in advance by publication in a legal newspaper of the county;

5. A good faith effort must be made by the appellant to notify the applicant, and all property owners in accordance with the following provisions:

    A. Projects within lands zoned Agriculture shall notify all property owners lying within two thousand six hundred forty (2,640) feet of the property on which the appeal is pending.

    B. Projects within lands not zoned Agriculture shall notify all property owners lying within one thousand three hundred twenty (1,320) feet of the property on which the appeal is pending.

The list of landowners to be notified shall be determined by records of the Director of Equalization. The Planning Department shall provide the applicant with "Notice of Hearing" forms for this purpose, and the notices shall be given to each owner of record by depositing such notice in the United States Post Office not less than ten (10) days prior to the hearing date and supported by affidavit certifying that the required mailing was completed. The affidavit shall be provided to the Planning Department at least seven (7) days prior to the Planning Commission meeting.

6. A notification sign furnished by Yankton County shall be posted by the applicant on the property upon which action is pending at least seven (7) days prior to the hearing date. Such signs shall be placed along the property's access frontage so as to be visible from the nearest public access point. If a property does not have a road frontage, then such signs shall be placed upon the closest available right-of-way and upon the property. Said signs shall be not less than one hundred and eighty seven (187) square inches in size. It shall be unlawful for any person to remove, mutilate, destroy, or change such posted notice prior to such hearings;

7. The Zoning Administrator shall present the decision to the Board of Adjustment for review; and

8. The Board of Adjustment shall uphold, overrule, or amend the decision pending before the Board.

9. Upon exhaustion of the administrative appeal process as described herein recourse shall be to the Court of competent jurisdiction pursuant to Section 2101.

Section 1905 Conditional Uses

The Board of Adjustment shall have the power to hear and decide, in accordance with the provisions of this ordinance, requests for conditional uses or for decisions upon other special questions upon which the Board of Adjustment is authorized by this ordinance to pass; to decide such questions as are involved in determining whether conditional uses should be granted; and to grant conditional uses with such conditions and safeguards as are appropriate under this ordinance, or to deny conditional uses when not in harmony with the purpose and intent of this ordinance. Prior to hearing a request for a conditional use the following requirements shall be met.

1. The applicant shall specifically cite, within the application the section of this Ordinance under which the conditional use is sought and stating the grounds on which it is requested;

2. The Planning Commission has reviewed the application pursuant to Section 1805 of this Ordinance;

3. Notice of public hearing shall be given, as in Section 1803 (3-5);

4. The public hearing shall be held. Any party may appear in person, or by agent or attorney;

5. The Board of Adjustment shall make a finding that it is empowered under the section of this Ordinance described in the application to:

   A. Grant the conditional use;

   B. Grant with conditions; or

   C. Deny the conditional use.

6. Before any conditional use is issued, the Board of Adjustment shall make written findings certifying compliance with the specific rules governing individual conditional uses and that satisfactory provision and arrangement has been made concerning the following, where applicable:

   A. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;

   B. Off right-of-way parking and loading areas where required; with particular attention to the items in (A) above and the economic, noise, glare or odor effects of the conditional use on adjoining properties and properties generally in the district;

   C. Refuse and service areas, with particular reference to the items in A and B above;

   D. Utilities, with reference to locations, availability, and compatibility;

   E. Screening and buffering with reference to type, dimensions, and character;

   F. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district;

   G. Required yards and other open spaces; and

   H. General compatibility with adjacent properties and other property in the district and that the granting of the conditional use will not adversely affect the public interest.

Section 1907 Variances

The Board of Adjustment shall have the power to hear requests for variances from this Ordinance in instances where strict enforcement would cause unnecessary hardship, and to grant such variances only when the following provisions apply:

1. No such variance shall be authorized by the Board of Adjustment unless it finds:

   A. The strict application of the ordinance would produce undue

hardship;

B. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;

C. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the grant of the variance; and

D. The granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, and caprice.

2. No variance shall be authorized unless the Board of Adjustment finds that the condition or situation of the property concerning or the intended use of the property concerned, or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment of this ordinance.

3. A variance from the terms of this ordinance shall not be granted by the Board of Adjustment unless and until:

   A. A written application for a variance is submitted demonstrating that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings, in the same district;

   B. The literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;

   C. The special conditions and circumstances do not result from the actions of the applicant; and

   D. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structure, or buildings in the same district.

4. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

5. The Planning Commission has reviewed the application pursuant to Section 1807 of this Ordinance.

6. Notice of public hearing shall be given, as in Section 1803 (3-5).

7. The public hearing shall be held. Any party may appear in person for by agent or by attorney.

8. The Board of Adjustment shall make findings that the requirements of this Section have been met by the applicant for a variance; the Board shall further make a finding that the reasons set forth in the application justify the granting of the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure; the Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

9. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under Section 2303 of this ordinance.

10. Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

THIS PAGE RESERVED FOR FUTURE USE

ARTICLE 20

COUNTY COMMISSION

Section 2001 Powers and Duties

The County Commission shall have the power to hear requests for rezoning and amendment of the Zoning Ordinance.

Section 2003 Amendments or Changes in Zone

The County Commission shall have the power to hear and decide, in accordance with provisions of this ordinance, petitions for amendment or change in zoning. A petition for change in zoning will not be decided until:

1. The individual petitioner provides a completed amendment or change in zone request. Said request must clearly state:

   A. Special conditions and circumstances exist which require the land to be rezoned;

   B. The special conditions and circumstances do not result from the actions of the applicant; and

   C. The granting of the amendment or change in zoning will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structure, or buildings in the area.

2. The Planning Commission has reviewed the application pursuant to Section 1809 of this Ordinance.

   1. Notice of public hearing shall be given, as in Section 1803 (3-5).

   2. The public hearing shall be held. Any party may appear in person or by agent or attorney.

   3. The County Commission shall make findings that the requirements of this Section have been met by the applicant for an amendment or change in zone to include:

      A. The reasons set forth in the application justify the granting of the amendment or change in zone;

      B. The amendment or change in zone will make possible the reasonable use of the land, building, or structure;

C. The granting of the amendment or change in zone will be in harmony with the general purpose and intent of this ordinance; and

D. Approval of the request will not be injurious to the neighborhood, or otherwise detrimental to the public welfare as presented and testified to by the applicant.

4. No petition for amendment or change in zone shall be authorized unless the County Commission finds that the condition, situation or the intended use of the property concerned is unique, required, or necessary as to make reasonably practicable the amendment or change in zone.

5. Before any amendment or petition for rezoning is approved, the County Commission shall make written findings certifying compliance with:

   A. The comprehensive plan;

   B. Specific rules governing land uses;

   C. Zoning district regulations; and

   D. Satisfactory provision and arrangement has been made concerning the following, where applicable:

6. Certification of compliance with all ordinances and regulations regarding licensing and zoning, health, plumbing, electrical, building, fire prevention, and all other applicable ordinances and regulations;

7. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;

8. Off right-of-way parking and loading areas where required; with particular attention to the items in (D(1)) above and the economic, noise, glare or odor effects of the amendment or rezone on adjoining properties and properties generally in the district;

9. Refuse and service areas, with particular reference to the items in (1) and (2) above;

10. Utilities, with reference to locations, availability, and compatibility;

11. Screening and buffering with reference to type, dimensions, and character;

12. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district;

13. Required yards and other open spaces; and

14. General compatibility with adjacent properties and other property in the

district.

15. In granting any petition for amendment or change in zone, the County Commission may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the amendment or change in zone is granted, shall be deemed a violation of this ordinance and punishable under Section 2303 of this ordinance.

Section 2005

If the County Commission or Planning Commission has authorized a study to be conducted or has held or has scheduled a hearing for the purpose of considering adoption or amendment of the Yankton County Zoning Ordinance or if new territory for which plans or controls have not been adopted is annexed, the County Commission may adopt an interim ordinance applicable to all or part of its jurisdiction for the purpose of protecting the planning process and the health, safety and welfare of its citizens. The interim ordinance may regulate, restrict, or prohibit any use, development, or subdivision within the jurisdiction or a portion thereof for a period not to exceed one year from the date it is effective.

1. No interim ordinance may halt, delay, or impede a presumptively valid application filed prior to the effective date of the interim ordinance. The County Commission may extend the interim ordinance after a public hearing if necessary based upon Section 2005 (1)(A)(B). The public hearing must be held at least 15 days but no more than 30 days before the expiration of the interim ordinance, and notice of the hearing must be published at least ten days before the hearing. The interim ordinance may be extended for the following conditions and durations:

    A. Up to an additional 120 days following the receipt of the final approval or review by a federal, state or metropolitan agency when the approval is required by law and the review or approval has not been completed and received by the county at least 30 days before the expiration of the interim ordinance; or

    B. Up to an additional 120 days following the completion of any other process required by a state statue, federal law, or court order, when the process is not completed at least 30 days before the expiration of the interim ordinance.

THIS PAGE RESERVED FOR FUTURE USE

ARTICLE 21

DUTIES ON MATTERS OF APPEAL

Section 2101 Duties of Zoning Administrator, Board of Adjustment, and Courts on Matters of Appeal

It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Administrator, and that such questions shall be presented to the Board of Adjustment. Upon exhaustion of the administrative appeal process as described herein recourse shall be to the Court of competent jurisdiction.

THIS PAGE RESERVED FOR FUTURE USE

ARTICLE 22

AMENDMENTS OR REZONING

Section 2201 Regulations

The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or repealed, provided that such modification or repeal in each instance be proposed in an ordinance presented to the governing body for adoption in the same manner and upon the same notice as required for the adoption of the original ordinance. Any amendment or rezoning request shall be made in accordance with the provisions of Sections 1709, 1719, 1809, and 2003**.**

Prior to consideration of amending, supplementing, changing, modifying or repealing this ordinance by the governing body, notice of public hearings shall be provided as follows:

1. Notice of the hearing date shall be given at least ten (10) days in advance by publication in a legal newspaper of the county;

2. A good faith effort must be made to send written notice to the appellant, applicant, and all property owners of land in accordance with the following provisions:

   A. Projects within lands zoned Agriculture shall notify all property owners lying within two thousand six hundred forty (2,640) feet of the property on which the appeal is pending.

   B. Projects within lands not zoned Agriculture shall notify all property owners lying within one thousand three hundred twenty (1,320) feet of the property on which the appeal is pending.

   The list of landowners to be notified shall be determined by records of the Director of Equalization. The Planning Department shall provide the applicant with "Notice of Hearing" forms for this purpose, and the notices shall be given to each owner of record by depositing such notice in the United States Post Office not less than ten (10) days prior to the hearing date and supported by affidavit certifying that the required mailing was completed. The affidavit shall be provided to the Planning Department at least seven (7) days prior to the Planning Commission meeting;

3. A notification sign shall be posted on the property upon which action is pending at least seven (7) days prior to the hearing date. Such signs shall be

placed along all along the property's road frontage so as to be visible from the road. If a property does not have a road frontage, then such signs shall be placed upon the closest available right-of-way and upon the property. Said signs shall be not less than one hundred and eighty seven (187) square inches in size. It shall be unlawful for any person to remove, mutilate, destroy or change such posted notice prior to such hearings;

4. The Planning Commission shall hold the Public Hearing, review the proposed amendment(s) with regards to Section 1809 and make recommendations to the County Commission;

5. Notice of the time and place of the County Commission hearing shall be given pursuant to Section 1803 (3-5);

6. The County Commission shall hold the Public Hearing, review the proposed amendment(s) with regards to Section 2003 and by resolution or ordinance deny or pass the recommendations;

7. If the changes are adopted the Planning Commission shall prepare a complete copy of the changes;

8. Once the summary is prepared the States Attorney shall review the complete copy and forward the changes to the County Auditor for publishing; and

9. The changes must be published once in the in the County's legal newspaper(s). The changes will take effect 20 days after publication.

THIS PAGE RESERVED FOR FUTURE USE

ARTICLE 23

VIOLATIONS, COMPLAINTS, PENALTIES, AND REMEDIES

Section 2301 Complaints Regarding Violations

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Administrator. The Zoning Administrator shall record properly such complaint with the Board of Adjustment and investigate and take action thereon as provided by this Ordinance.

If the Zoning Administrator shall find that any of the provisions of this Ordinance are being violated, they shall notify, in writing by certified mail with return receipt, the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The party responsible for the violation shall respond within seven (7) working days from receipt of the letter; otherwise, they will be considered in violation and punishable under Section 2303.

Section 2303 Penalties for Violations

The owner or agent of a building or premises in or upon which a violation of any provisions of this Ordinance has been committed or shall exist, or lessee or tenant of an entire building or entire premises in or upon which such violation shall exist, shall be subject to any or all of the following:

1. A fine not to exceed two hundred (200) dollars for each violation;

2. Imprisonment for a period not to exceed thirty (30) days for each violation; or

3. By both fine and imprisonment; and

4. An action for civil injunctive relief, pursuant to SDCL 21-8.

In addition, all costs and expenses involved in the case shall be paid by the defendant; each day such violation continues shall be a separate offense.

Any architect, engineer, builder, contractor, agent, or other person, who commits, participates in, assists in or maintains such violation may each be found guilty of a violation of the Ordinance and be subject to the same penalties herein provided.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this Ordinance, the Zoning Administrator or a designee as determined by

the County Commission may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; to restrain, correct or abate such violation; to prevent the occupancy of said building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.

THIS PAGE RESERVED FOR FUTURE USE

ARTICLE 24
LEGAL STATUS PROVISIONS

Section 2401 Separability

Should any article, section, or provisions of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Ordinance as a whole, or any
part thereof other than the part so declared to be unconstitutional or invalid.

Section 2403 Purpose of Sub-Titles

The sub-titles appearing in connection with the foregoing sections are inserted simply for convenience, to serve the purpose of any index and they shall be wholly disregarded by any person, officer, court or other
tribunal in construing the terms and provisions of this Ordinance.

Section 2405 Effective Date

This Ordinance shall take effect and be in force from and after its adoption.

THIS PAGE RESERVED FOR FUTURE USE

ARTICLE 25

SITING OF WIRELESS TELECOMMUNICATION FACILITIES (Entire Article Change)

Section 2501 Intent

The intent of this Section is to insure that the placement, construction or modification of Wireless Telecommunication Facilities is consistent with the County's land use policies and to minimize the impact of Wireless Telecommunication Facilities, establish a fair and efficient process to review and approval of applications, assure an integrated, comprehensive review of environmental impacts of such facilities, and to protect the health, safety and welfare of the County of Yankton.

Section 2502 Definitions

For the purposes of this Section, and where not inconsistent with the context of a particular section, the defined terms, phrases, words, abbreviations, and their derivations shall have the meaning given in this section. When not inconsistent with the context, words in the present tense include the future tense, words used in the plural number include words in the singular number and words in the singular number include the plural number. The word "shall" is always mandatory, and not merely directory.

1. "**Accessory Facility** or **Structure**" means an accessory facility or structure serving or being used in conjunction with Wireless Telecommunications Facilities, and located on the same property or lot as the Wireless Telecommunications Facilities, including but not limited to, utility or transmission equipment storage sheds or cabinets.

2. **"Applicant"** means any Wireless service provider submitting an Application for a Conditional Use Permit for Wireless Telecommunications Facilities.

3. **"Application"** means all necessary and appropriate documentation that an Applicant submits in order to receive a Conditional Use Permit for Wireless Telecommunications Facilities.

4. **"Antenna"** means a system of electrical conductors that transmit or receive electromagnetic waves or radio frequency or other wireless signals.

5. "**Board of Adjustment"** means the Yankton County Commission shall serve as the Board of Adjustment.

6. **"Co-location"** means the use of an existing Tower or structure to support Antennae for the provision of wireless services. A replacement tower that is constructed on the same site as an existing tower will be considered a co-location as long as the new tower is no taller than the old tower and that the old tower is removed in a reasonable short timeframe after the new tower is constructed.

7. **"Commercial Impracticability"** or **"Commercially Impracticable"** means the inability to perform an act on terms that are reasonable in commerce; the cause or occurrence of which could not have been reasonably anticipated or foreseen and that jeopardizes the financial efficacy of the project. The inability to achieve a satisfactory financial return on investment or profit, standing alone, shall not deem a situation to be "commercial impracticable" and shall not render an act or the terms of an agreement "commercially impracticable".

8. **"Completed Application"** means an Application that contains all information and/or data necessary to enable an informed decision to be made with respect to an Application.

9. **"FAA"** means the Federal Aviation Administration, or its duly designated and authorized successor agency.

10. **"FCC"** means the Federal Communications Commission, or its duly designated and authorized successor agency.

11. **"Height"** means, when referring to a Tower or structure, the distance measured from the preexisting grade level to the highest point on the Tower or structure, even if said highest point is an Antenna or lightening protection device.

12. **"Modification" or "Modify"** means, the addition, removal or change of any of the physical and visually discernable components or aspects of a wireless facility, such as antennas, cabling, equipment shelters, landscaping, fencing, utility feeds, changing the color or materials of any visually discernable components, vehicular access, parking and/or an upgrade or change out of equipment for better or more modern equipment. Adding a new wireless carrier or service provider to a Telecommunications Tower or Telecommunications Site as a co-location is a modification. A Modification shall not include the replacement of any components of a wireless facility where the replacement is identical to the component being replaced or for any matters that involve the normal repair and maintenance of a wireless facility without adding, removing or changing anything.

13. **"NIER"** means Non-Ionizing Electromagnetic Radiation.

14. **"Person"** means any individual, corporation, estate, trust, partnership, joint stock company, association of two (2) or more persons having a joint common interest, or any other entity.

15. **“Personal Wireless Facility**” See definition for ‘Wireless Telecommunications Facilities’.

16. **“Personal Wireless Services”** or **“PWS”** or **“Personal Telecommunications Service” or “PCS”** shall have the same meaning as defined and used in the 1996 Telecommunications Act.

17. **“Planning Commission”** means The Planning Commission of Yankton County. The term Planning Commission shall be synonymous with Planning and Zoning Commission and Commission, but shall not include Board of Adjustment or Zoning Board.

18. **"Repairs and Maintenance”** means the replacement of any components of a wireless facility where the replacement is identical to the component being replaced or for any matters that involve the normal repair and maintenance of a wireless facility without the addition, removal or change of any of the physical or visually discernable components or aspects of a wireless facility that will add to the visible appearance of the facility as originally permitted.

19. **“Conditional Use Permit”** means the official document or permit by which an Applicant is allowed to file for a building permit to construct and use Wireless Telecommunications Facilities as granted or issued by the County.

20. “**Stealth” or “Stealth Technology”** means to minimize adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such Wireless Telecommunications Facilities, which shall mean using the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances.

21. **“State”** means the State of South Dakota.

22. **“Telecommunications”** means the transmission and/or reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.

23. **“Telecommunication Site”** See definition for Wireless Telecommunications Facilities.

24. **“Telecommunications Structure”** means a structure used in the provision of services described in the definition of ‘Wireless Telecommunications Facilities’.

25. **“Temporary”** means, temporary in relation to all aspects and components of this Section, something intended to, or that does not exist for more than ninety (90) days.

26. **“Tower**” means any structure designed primarily to support an antenna for

receiving and/or transmitting a wireless signal.

27. **"Wireless Telecommunications Facilities"** means and includes a **"Telecommunications Site"** and **"Personal Wireless Facility".** It means a structure, facility or location designed, or intended to be used as, or used to support Antennas or other transmitting or receiving devices. This includes without limit, Towers of all types and kinds and structures, including, but not limited to buildings, church steeples, silos, water towers, signs or other structures that can be used as a support structure for Antennas or the functional equivalent of such. It further includes all related facilities and equipment such as cabling, equipment shelters and other structures associated with the site. It is a structure and facility intended for transmitting and/or receiving radio, television, cellular, SMR, paging, 911, Personal Communications Services (PCS), commercial satellite services, microwave services and any commercial wireless telecommunication service not licensed by the FCC.

Section 2503 Wireless Telecommunication Facilities established as Conditional Uses in Yankton County

In order to ensure that the placement, construction, and modification of Wireless Telecommunications Facilities protects the County's health, safety, public welfare, environmental features, the nature and character of the community and neighborhood and other aspects of the quality of life specifically listed elsewhere in this Section, the County hereby adopts an overall policy with respect to a Conditional Use Permit for Wireless Telecommunications Facilities for the express purpose of achieving the following goals:

1. Requiring a Conditional Use Permit for any new, co-location or modification of a Wireless Telecommunications Facility.

2. Implementing an Application process for person(s) seeking a Conditional Use Permit for Wireless Telecommunications Facilities.

3. Establishing a policy for examining an application for and issuing a Conditional Use Permit for Wireless Telecommunications Facilities that is both fair and consistent.

4. Promoting and encouraging, wherever possible, the sharing and/or co-location of Wireless Telecommunications Facilities among service providers.

5. Promoting and encouraging, wherever possible, the placement, height and quantity of Wireless Telecommunications Facilities in such a manner, including but not limited to the use of stealth technology, to minimize adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such Wireless Telecommunications Facilities, which

shall mean using the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances.

6. That in granting a Conditional Use Permit, the County has found that the facility shall be the most appropriate site as regards being the least visually intrusive among those available in the County.

Section 2504 Exceptions from a Conditional Use Permit for Wireless Telecommunications Facilities

1. No Person shall be permitted to site, place, build, construct, modify or prepare any site for the placement or use of, Wireless Telecommunications Facilities as of the effective date of this Ordinance without having first obtained a Conditional Use Permit for Wireless Telecommunications Facilities. Notwithstanding anything to the contrary in this section, no Conditional Use Permit shall be required for those non-commercial exceptions noted in Section 2505.

2. All legally permitted Wireless Telecommunications Facilities, constructed as permitted, existing on or before the effective date of this Section shall be allowed to continue as they presently exist, provided however, that any visible modification of an existing Wireless Telecommunications Facility will require the complete facility and any new installation to comply with this Section.

3. Any Repair and Maintenance of a Wireless Facility does not require an Application for a Conditional Use Permit.

Section 2505 Exclusions The following shall be exempt from this Article:

1. Fire, police and highway departments or other public service facilities owned and operated by the local government and located in Yankton County.

2. Any facilities expressly exempt from the County's siting, building and permitting authority.

3. Over-the-Air reception Devices including the reception antennas for direct broadcast satellites (DBS), multichannel multipoint distribution (wireless cable) providers (MMDS), television broadcast stations (TVBS) and other customer-end antennas that receive and transmit fixed wireless signals that are primarily used for reception.

4. Facilities exclusively for private, non-commercial radio and television reception and private citizen's bands, licensed amateur radio and other similar non-commercial Telecommunications.

5. Facilities exclusively for providing unlicensed spread spectrum technologies (such as IEEE 802.11a, b, g (Wi-Fi) and Bluetooth) where the facility does not

require a new tower.

Section 2506 Conditional Use Permit Application and Other Requirements

1. All Applicants for a Conditional Use Permit for Wireless Telecommunications Facilities or any modification of such facility shall comply with the requirements set forth in this Section. The Planning Commission, pursuant to Section 1805 of the Yankton County Zoning Ordinance, is the officially designated agency or body of the County to whom applications for a Conditional Use Permit for Wireless Telecommunications Facilities must be made, and that is authorized to review, analyze, evaluate and make decisions with respect to recommending the granting or not granting or revoking Conditional Use Permits for Wireless Telecommunications Facilities to the Yankton County Board of Adjustment. The Board of Adjustment shall have the power to hear and decide, pursuant to Section 1905 of the Yankton County Zoning Ordinance, the granting of Conditional Use Permits. The County may at its discretion delegate or designate other official agencies or officials of the County to accept, review, analyze, evaluate and make recommendations to the Planning Commission with respect to the granting or not granting or revoking Conditional Use Permits for Wireless Telecommunications Facilities.

2. The County may reject applications not meeting the requirements stated herein or which are otherwise incomplete.

3. No Wireless Telecommunications Facilities shall be installed, constructed or modified until the Application is reviewed and approved by the County, and the Conditional Use Permit has been issued.

4. Any and all representations made by the Applicant to the County on the record during the Application process, whether written or verbal, shall be deemed a part of the Application and may be relied upon in good faith by the County.

5. An Application for a Conditional Use Permit for Wireless Telecommunications Facilities shall be signed on behalf of the Applicant by the person preparing the same and with knowledge of the contents and representations made therein and attesting to the truth and completeness of the information.

6. The Applicant must provide documentation to verify it has the right to proceed as proposed on the Site. This would require an executed copy of the lease with the landowner or landlord or a signed letter acknowledging authorization. If the applicant owns the site, a copy of the ownership record is required.

7. The Applicant shall include a statement in writing:

   A. That the applicant’s proposed Wireless Telecommunications Facilities shall be maintained in a safe manner, and in compliance with all conditions of the Conditional Use Permit, without exception, unless

specifically granted relief by the County in writing, as well as all applicable and permissible local codes, ordinances, and regulations, including any and all applicable County, State and Federal Laws, rules, and regulations; and

B. That the construction of the Wireless Telecommunications Facilities is legally permissible, including, but not limited to the fact that the Applicant is authorized to do business in the State.

8. Where a certification is called for in this Section, such certification shall bear the signature and seal of a Registered Professional Engineer licensed in the State.

9. In addition to all other required information as stated in this ordinance, all applications for the construction or installation of new Wireless Telecommunications Facilities or modification of an existing facility shall contain the information hereinafter set forth.

A. A descriptive statement of the objective(s) for the new facility or modification including and expanding on a need such as coverage and/or capacity requirements;

B. Documentation that demonstrates and proves the need for the Wireless Telecommunications Facility to provide service primarily and essentially within the County. Such documentation shall include propagation studies of the proposed site and all adjoining planned, proposed, in-service or existing sites that demonstrate a significant gap in coverage and/or if a capacity need, including an analysis of current and projected usage;

C. The name, address and phone number of the person preparing the report;

D. The name, address, and phone number of the property owner and Applicant, and to include the legal name of the Applicant. If the site is a tower and the owner is different that the applicant, provide name and address of the tower owner;

E. The postal address and tax map parcel number of the property;

F. The Zoning District or designation in which the property is situated;

G. Size of the property stated both in square feet and lot line dimensions, and a survey showing the location of all lot lines;

H. The location of the nearest residential structure;

I. The location, size and height of all existing and proposed structures on the property which is the subject of the Application;

J. The type, locations and dimensions of all proposed and existing landscaping, and fencing;

K. The azimuth, size and center-line height location of all proposed and existing antennae on the supporting structure;

L. The number, type and model of the Antenna(s) proposed with a copy of the specification sheet;

M. The make, model, type and manufacturer of the Tower and design plan stating the Tower's capacity to accommodate multiple users;

N. A site plan describing the proposed Tower and Antenna(s) and all related fixtures, structures, appurtenances and apparatus, including height above pre-existing grade, materials, color and lighting;

O. The frequency, modulation and class of service of radio or other transmitting equipment;

P. The actual intended transmission power stated as the maximum effective radiated power (ERP) in watts;

Q. Signed documentation such as the "Checklist to Determine Whether a Facility is Categorically Excluded" to verify that the Wireless Telecommunication Facility with the proposed installation will be in full compliance with the current FCC RF Emissions guidelines (NIER). If not categorically excluded, a complete RF Emissions study is required to provide verification;

R. A signed statement that the proposed installation will not cause physical or RF interference with other telecommunications devices;

S. A copy of the FCC license applicable for the intended use of the Wireless Telecommunications Facilities; and

T. A copy of the geotechnical sub-surface soils investigation, evaluation report and foundation recommendation for a proposed or existing Tower site and if existing Tower or water tank site, a copy of the installed foundation design.

10. The applicant will provide a written copy of an analysis, completed by a qualified individual or organization, to determine if the proposed new Tower or existing structure intended to support wireless facilities is in compliance with Federal Aviation Administration Regulation Part 77 and if it requires lighting. This requirement shall also be for any existing structure or building where the application increases the height of the structure or building. If this analysis determines, that an FAA determination is required, then all filings with the FAA, all responses from the FAA and any related correspondence

shall be provided with the application.

11. Application for New Tower

    A. In the case of a new Tower, the Applicant shall be required to submit a written report demonstrating its meaningful efforts to secure shared use of existing Tower(s) or the use of alternative buildings or other structures within the County. Copies of written requests and responses for shared use shall be provided to the County in the Application, along with any letters of rejection stating the reason for rejection;

    B. In order to better inform the public, in the case of a new Telecommunication Tower, the Applicant shall, prior to the public hearing on the application, hold a "balloon test". The Applicant shall arrange to fly, or raise upon a temporary mast, a minimum of a three (3) foot in diameter brightly colored balloon at the maximum height of the proposed new Tower. The dates, (including a second date, in case of poor visibility on the initial date) times and location of this balloon test shall be advertised by the Applicant seven (7) and fourteen (14) days in advance of the first test date in a newspaper with a general circulation in the County. The Applicant shall inform the County, in writing, of the dates and times of the test, at least fourteen (14) days in advance. The balloon shall be flown for at least four consecutive hours sometime between 7:00 am and 4:00 pm on the dates chosen. The primary date shall be on a weekend, but in case of poor weather on the initial date, the secondary date may be on a weekday. A report with pictures from various locations of the balloon shall be provided with the Application;

    C. The Applicant shall examine the feasibility of designing the proposed Tower to accommodate future demand for at least four (4) additional commercial applications, for example, future co-locations. The Tower shall be structurally designed to accommodate at least four (4) additional Antenna Arrays equal to those of the Applicant, and located as close to the Applicant's Antenna as possible without causing interference. This requirement may be waived, provided that the Applicant, in writing, demonstrates that the provisions of future shared usage of the Tower is not technologically feasible, is Commercially Impracticable or creates an unnecessary and unreasonable burden, based upon:

        1. The foreseeable number of FCC licenses available for the area;

        2. The kind of Wireless Telecommunications Facilities site and structure proposed;

        3. The number of existing and potential licenses without Wireless Telecommunications Facilities spaces/sites; and

4. Available space on existing and approved Towers.

D. The owner of a proposed new Tower, and his/her successors in interest, shall negotiate in good faith for the shared use of the proposed Tower by other Wireless service providers in the future, and shall:

1. Respond within 60 days to a request for information from a potential shared-use Applicant;

2. Negotiate in good faith concerning future requests for shared use of the new Tower by other Telecommunications providers;

3. Allow shared use of the new Tower if another Telecommunications provider agrees in writing to pay reasonable charges. The charges may include, but are not limited to, a pro rata share of the cost of site selection, planning, project administration, land costs, site design, construction and maintenance financing, return on equity, less depreciation, and all of the costs of adapting the Tower or equipment to accommodate a shared user without causing electromagnetic interference; and

4. Failure to abide by the conditions outlined above may be grounds for revocation of the Conditional Use Permit.

12. The Applicant shall provide certification with documentation (structural analysis) including calculations that the Telecommunication Facility Tower and foundation and attachments, rooftop support structure, water tank structure, and any other supporting structure as proposed to be utilized are designed and will be constructed to meet all local, County, State, and Federal structural requirements for loads, including wind and ice loads.

13. If proposal is for a co-location or modification on an existing Tower, the applicant is to provide signed documentation of the Tower condition such as an ANSI report as per Annex E, Tower Maintenance and Inspection Procedures, ANSI/TIA/EIA-222F or most recent version. The inspection report must be performed every three (3) years for a guyed tower and five (5) years for monopoles and self-supporting towers.

14. All proposed Wireless Telecommunications Facilities shall contain a demonstration that the Facility be sited so as to be the least visually intrusive reasonably possible, given the facts and circumstances involved and thereby have the least adverse visual effect on the environment and its character, on existing vegetation, and on the residences in the area of the Wireless Telecommunications Facility.

15. If a new Tower, proposal for a new Antenna attachment to an existing structure, or modification adding to a visual impact, the Applicant shall

furnish a Visual Impact Assessment, which shall include:

A. If a new Tower or increasing the height of an existing structure is proposed, a computer generated "Zone of Visibility Map" at a minimum of one mile radius from the proposed structure, with and without foliage shall be provided to illustrate locations from which the proposed installation may be seen;

B. Pictorial representations of "before and after" (photo simulations) views from key viewpoints both inside and outside of the County as may be appropriate, including but not limited to State highways and other major roads; State and local parks; other public lands; historic districts; preserves and historic sites normally open to the public; and from any other location where the site is visible to a large number of visitors, travelers or residents. Guidance will be provided, concerning the appropriate key sites at the pre-application meeting. Provide a map showing the locations of where the pictures were taken and distance from the proposed structure; and

C. A written description of the visual impact of the proposed facility including; and as applicable the Tower base, guy wires, fencing and accessory buildings from abutting and adjacent properties and streets as relates to the need or appropriateness of screening.

16. The Applicant shall demonstrate and provide in writing and/or by drawing how it shall effectively screen from view the base and all related equipment and structures of the proposed Wireless Telecommunications Facility.

17. The Wireless Telecommunications Facility and any and all accessory or associated facilities shall maximize the use of building materials, colors and textures designed to blend with the structure to which it may be affixed and/or to harmonize with the natural surroundings, this shall include the utilization of stealth or concealment technology as may be required by the County.

18. All utilities at a Wireless Telecommunications Facilities site shall be installed underground and in compliance with all Laws, Ordinances, rules and regulations of the County, including specifically, but not limited to, the National Electrical Safety Code and the National Electrical Code where appropriate.

19. At a Telecommunications Site, an access road, turn-around space and parking shall be provided to assure adequate emergency and service access. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion.

20. All Wireless Telecommunications Facilities shall be constructed, operated,

maintained, repaired, provided for removal of, modified or restored in strict compliance with all current applicable technical, safety and safety-related codes adopted by the County, State, or United States, including but not limited to the most recent editions of the ANSI Code, National Electrical Safety Code and the National Electrical Code, as well as accepted and responsible workmanlike industry practices and recommended practices of the National Association of Tower Erectors. The codes referred to are codes that include, but are not limited to, construction, building, electrical, fire, safety, health, and land use codes. In the event of a conflict between or among any of the preceding the more stringent shall apply.

21. A holder of a Conditional Use Permit granted under this Section shall obtain, at its own expense, all permits and licenses required by applicable Law, rule, regulation or code, and must maintain the same, in full force and effect, for as long as required by the County or other governmental entity or agency having jurisdiction over the applicant.

22. There shall be a pre-application meeting. The purpose of the pre-application meeting will be to address issues that will help to expedite the review and permitting process. A pre-application meeting shall also include a site visit if there has not been a prior site visit for the requested site.

23. An Applicant shall submit to the County the number of completed Applications determined to be needed at the pre-application meeting. Written notification of the Application shall be provided to the legislative body of all adjacent municipalities as applicable and/or requested.

24. The holder of a Conditional Use Permit shall notify the County of any intended Modification of a Wireless Telecommunication Facility and shall apply to the County to modify, relocate or rebuild a Wireless Telecommunications Facility.

Section 2507 Location of Wireless Telecommunications Facilities

1. Applicants for Wireless Telecommunications Facilities shall locate, site and erect said Wireless Telecommunications Facilities in accordance with the following priorities, one (1) being the highest priority and six (6) being the lowest priority.

    1. On existing Towers or other structures on County owned properties;

    2. On existing Towers or other structures on other property in the County;

    3. A new Tower on County-owned properties;

    4. A new Tower on properties in areas zoned for Commercial use;

5. A new Tower on properties in areas zoned for Agricultural use; and

6. A new Tower on properties in areas zoned for Residential use.

2. If the proposed site is not proposed for the highest priority listed above, then a detailed explanation must be provided as to why a site of a higher priority was not selected. The person seeking such an exception must satisfactorily demonstrate the reason or reasons why such a permit should be granted for the proposed site, and the hardship that would be incurred by the Applicant if the permit were not granted for the proposed site.

3. An Applicant may not by-pass sites of higher priority by stating the site proposed is the only site leased or selected. An Application shall address co-location as an option. If such option is not proposed, the Applicant must explain to the reasonable satisfaction of the County why colocation is commercially or otherwise impracticable. Agreements between providers limiting or prohibiting co-location shall not be a valid basis for any claim of Commercial Impracticability or hardship.

4. Notwithstanding the above, the County may approve any site located within an area in the above list of priorities, provided that the County finds that the proposed site is in the best interest of the health, safety and welfare of the County and its inhabitants and will not have a deleterious effect on the nature and character of the community and neighborhood.

5. The Applicant shall submit a written report demonstrating the Applicant's review of the above locations in order of priority, demonstrating the technological reason for the site selection. If appropriate, based on selecting a site of lower priority, a detailed written explanation as to why sites of a higher priority were not selected shall be included with the Application.

6. Notwithstanding that a potential site may be situated in an area of highest priority or highest available priority, the County may disapprove an Application for any of the following reasons.

   A. Conflict with safety and safety-related codes and requirements;

   B. Conflict with the historic nature or character of a neighborhood or historical district;

   C. The use or construction of Wireless Telecommunications Facilities which is contrary to an already stated purpose of a specific zoning or land use designation;

   D. The placement and location of Wireless Telecommunications Facilities which would create an unacceptable risk, or the reasonable probability of such, to residents, the public, employees and agents of the County, or employees of the service provider or other service providers; and

E. Conflicts with the provisions of this Ordinance.

Section 2508 Shared Use of Wireless Telecommunications Facilities and Other Structures

1. The County, as opposed to the construction of a new Tower, shall prefer locating on existing Towers or others structures without increasing the height. The Applicant shall submit a comprehensive report inventorying existing Towers and other suitable structures within two (2) miles of the location of any proposed new Tower, unless the Applicant can show that some other distance is more reasonable and demonstrate conclusively why an existing Tower or other suitable structure cannot be used.

2. An Applicant intending to locate on an existing Tower or other suitable structure shall be required to document the intent of the existing owner to permit its use by the Applicant.

3. Such shared use shall consist only of the minimum Antenna Array technologically required to provide service primarily and essentially within the County, to the extent practicable, unless good cause is shown.

Section 2509 Height of Telecommunications Tower(s)

1. The Applicant shall submit documentation justifying the total height of any Tower, Facility and/or Antenna requested and the basis therefore. Documentation in the form of propagation studies must include all backup data used to perform at requested height and a minimum of ten (10') feet lower height to allow verification of this height need. Such documentation will be analyzed in the context of the justification of the height needed to provide service primarily and essentially within the County, to the extent practicable, unless good cause is shown.

2. No Tower constructed after the effective date of this amended Section, including allowing for all attachments, shall exceed that height which shall permit operation without required artificial lighting of any kind in accordance with County, State, and/or any Federal statute, law, local law, County Ordinance, code, rule or regulation.

Section 2510 Visibility of Wireless Telecommunications Facilities

1. Wireless Telecommunications Facilities shall not be artificially lighted or marked, except as required by Law.

2. Towers shall be galvanized and/or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings and shall be maintained in accordance with the requirements of this Ordinance.

3. If lighting is required, Applicant shall provide a detailed plan for sufficient lighting of as unobtrusive and inoffensive an effect as is permissible under

State and Federal regulations.

Section 2511 Security of Wireless Telecommunications Facilities

All Wireless Telecommunications Facilities and Antennas shall be located, fenced or otherwise secured in a manner that prevents unauthorized access. Specifically:

1. All Antennas, Towers and other supporting structures, including guy anchor points and wires, shall be made inaccessible to individuals and constructed or shielded in such a manner that they cannot be climbed or collided with; and

2. Transmitters and Telecommunications control points shall be installed in such a manner that they are readily accessible only to persons authorized to operate or service them.

Section 2512 Signage

Wireless Telecommunications Facilities shall contain a sign no larger than four (4) square feet in order to provide adequate notification to persons in the immediate area of the presence of RF radiation or to control exposure to RF radiation within a given area. A sign of the same size is also to be installed to contain the name(s) of the owner(s) and operator(s) of the Antenna(s) as well as emergency phone number(s). The sign shall be on the equipment shelter or cabinet of the Applicant and be visible from the access point of the site and must identify the equipment owner of the shelter or cabinet. On tower sites, an FCC registration site as applicable is also to be present. The signs shall not be lighted, unless applicable law, rule or regulation requires lighting. No other signage, including advertising, shall be permitted.

Section 2513 Lot Size and Setbacks

All proposed Towers and any other proposed Wireless Telecommunications Facility structures shall be set back from abutting parcels, recorded rights-of-way and road and street lines by the greater of the following distances: A distance equal to the height of the proposed Tower or Wireless Telecommunications Facility structure plus ten percent (10%) of the height of the Tower or structure, or the existing setback requirement of the underlying Zoning District, whichever is greater. Any Accessory structure shall be located so as to comply with the applicable minimum setback requirements for the property on which it is situated.

Section 2514 Retention of Expert Assistance and Reimbursement by Applicant

1. The County may hire any consultant and/or expert necessary to assist the County in reviewing and evaluating the Application, including the construction and modification of the site, once permitted, and any site inspections.

2. An Applicant shall deposit with the County funds sufficient to reimburse the County for all reasonable costs of consultant and expert evaluation and consultation to the County in connection with the review of any Application including where applicable, the lease negotiation, the pre-approval evaluation,

and the construction and modification of the site, once permitted. The initial deposit shall be $8,500.00. The placement of the $8,500.00 with the County shall precede the pre-application meeting. The County will maintain a separate escrow account for all such funds. The County's consultants/experts shall invoice the County for its services related to the Application. If at any time during the process this escrow account has a balance less than $2,500.00, the Applicant shall immediately, upon notification by the County, replenish said escrow account so that it has a balance of at least $5,000.00. Such additional escrow funds shall be deposited with the County before any further action or consideration is taken on the Application. In the event that the amount held in escrow by the County is more than the amount of the actual invoicing at the conclusion of the project, the remaining balance shall, upon request of the Applicant, be promptly refunded to the Applicant.

3. The total amount of the funds needed as set forth in subsection (B) of this section may vary with the scope (lease negotiations and/or review) and complexity of the project, the completeness of the Application and other information as may be needed to complete the necessary review, analysis and inspection of any construction or modification.

Section 2515 Public Hearing and Notification Requirements

Notice of public hearing shall be given pursuant to Section 1803 (3-5)

1. Prior to the approval of any Application for a Conditional Use Permit for Wireless Telecommunications Facilities, a Public Hearing shall be held by the County, notice of which shall be published in the newspaper general circulation in the County no less than ten (10) calendar days prior to the scheduled date of the Public Hearing. In order that the nearby landowners are notified, the Applicant shall notify all landowners whose property is located within two thousand six hundred forty feet(2,640) feet of any property line of the lot or parcel on which the new Wireless Telecommunications Facilities are proposed to be located. A list of property owners that lie within the notification area shall be furnished to the applicant by Yankton County.

2. There shall be no Public Hearing required for an Application to co-locate on an existing Tower or other structure or a modification at an existing site, as long as there is no proposed increase in the height of the Tower or structure, including attachments thereto.

3. The County shall schedule the Public Hearing referred to in Subsection (A) of this section once it finds the Application is complete, the County, at any stage prior to issuing a Conditional Use Permit, may require such additional information as it deems necessary.

Section 2516 Action on an Application for a Conditional Use Permit for Wireless

Telecommunications Facilities

1. The County will undertake a review of an Application pursuant to this Article in a timely fashion, consistent with its responsibilities, and shall act within a reasonable period of time given the relative complexity of the Application and the circumstances, with due regard for the public's interest and need to be involved, and the Applicant's desire for a timely resolution.

2. The County may refer any Application or part thereof to any advisory, other committee or commission for a non-binding recommendation.

3. After the Public Hearing and after formally considering the Application, the County may approve, approve with conditions, or deny a Conditional Use Permit. Its decision shall be in writing and shall be supported by substantial evidence contained in a written record. The burden of proof for the granting of the Permit shall always be upon the Applicant.

4. If the County approves the Conditional Use Permit for Wireless Telecommunications Facilities, then the Applicant shall be notified of such approval in writing within ten (10) calendar days of the County's action, and the Conditional Use Permit shall be issued within thirty (30) days after such approval. Except for necessary building permits, and subsequent Certificates of Compliance, once a Conditional Use Permit has been granted hereunder, no additional permits or approvals from the County, such as site plan or zoning approvals, shall be required by the County for the Wireless Telecommunications Facilities covered by the Conditional Use Permit.

5. If the County denies the Conditional Use Permit for Wireless Telecommunications Facilities, then the Applicant shall be notified of such denial in writing within ten (10) calendar days of the County's action.

Section 2517 Extent and Parameters of Conditional Use Permit for Wireless Telecommunications Facilities

The extent and parameters of a Conditional Use Permit for Wireless Telecommunications Facilities shall be as follows:

1. Such Conditional Use Permit shall not be assigned, transferred or conveyed without the express prior written notification to the County.

2. Such Conditional Use Permit may, following a hearing upon due prior notice to the Applicant, be revoked, canceled, or terminated for a violation of the conditions and provisions of the Conditional Use Permit, or for a material violation of this Ordinance after prior written notice to the holder of the Conditional Use Permit.

Section 2518 Application Fee

At the time that a Person submits an Application for a Conditional Use Permit for a new Tower, such Person shall pay a non-refundable application fee of $5,000.00 to the County. If the Application is for a Conditional Use Permit for co-locating on an existing Tower or other suitable structure, where no increase in height of the Tower or structure is required, the non-refundable fee shall be $2,500.00.

Section 2519 Performance Security

The Applicant and the owner of record of any proposed Wireless Telecommunications Facilities property site shall, at its cost and expense, be jointly required to execute and file with the County a bond, or other form of security acceptable to the County as to type of security and the form and manner of execution, in an amount of at least $75,000.00 for a Tower facility and $25,000 for a co-location on an existing tower or other structure and with such sureties as are deemed sufficient by the County to assure the faithful performance of the terms and conditions of this Ordinance and conditions of any Conditional Use Permit issued pursuant to this Ordinance. The full amount of the bond or security shall remain in full force and effect throughout the term of the Conditional Use Permit and/or until any necessary site restoration is completed to restore the site to a condition comparable to that, which existed prior to the issuance of the original Conditional Use Permit.

Section 2520 Reservation of Authority to Inspect Wireless Telecommunications Facilities

In order to verify that the holder of a Conditional Use Permit for Wireless Telecommunications Facilities and any and all lessees, renters, and/or licensees of Wireless Telecommunications Facilities, place and construct such facilities, including Towers and Antennas, in accordance with all applicable technical, safety, fire, building, and zoning codes, Laws, Ordinances and regulations and other applicable requirements, the County may inspect all facets of said permit holder's, renter's, lessee's or licensee's placement, construction, modification and maintenance of such facilities, including, but not limited to, Towers, Antennas and buildings or other structures constructed or located on the permitted site.

Section 2521 Liability Insurance

1. A holder of a Conditional Use Permit for Wireless Telecommunications Facilities shall secure and at all times maintain public liability insurance for personal injuries, death and property damage, and umbrella insurance coverage, for the duration of the Conditional Use Permit in amounts as set forth below.

    A. Commercial General Liability covering personal injuries, death and property damage: $1,000,000 per occurrence/$2,000,000 aggregate;

    B. Automobile Coverage: $1,000,000 per occurrence/ $2,000,000 aggregate; and

    C. Workers Compensation and Disability: Statutory amounts.

2. For a Wireless Telecommunications Facility on County property, the

Commercial General Liability insurance policy shall specifically include the County and its officers, Councils, employees, committee members, attorneys, agents and consultants as additional insureds.

3. The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the State and with an A.M. Best's rating of at least A.

4. The insurance policies shall contain an endorsement obligating the insurance company to furnish the County with at least thirty-(30) day's prior written notice in advance of the cancellation of the insurance.

5. Renewal or replacement policies or certificates shall be delivered to the Zoning Administrator at least fifteen (15) days before the expiration of the insurance that such policies are to renew or replace.

6. Before construction of a permitted Wireless Telecommunications Facilities is initiated, but in no case later than fifteen (15) days after the granting of the Conditional Use Permit, the holder of the Conditional Use Permit shall deliver to the County a copy of each of the policies or certificates representing the insurance in the required amounts.

Section 2522 Indemnification

1. Any application for Wireless Telecommunication Facilities that is proposed for County property, pursuant to this Ordinance, shall contain a provision with respect to indemnification. Such provision shall require the applicant, to the extent permitted by the Law, to at all times defend, indemnify, protect, save, hold harmless, and exempt the County, and its officers, Councils, employees, committee members, attorneys, agents, and consultants from any and all penalties, damages, costs, or charges arising out of any and all claims, suits, demands, causes of action, or award of damages, whether compensatory or punitive, or expenses arising therefrom, either at law or in equity, which might arise out of, or are caused by, the placement, construction, erection, modification, location, products performance, use, operation, maintenance, repair, installation, replacement, removal, or restoration of said Facility, excepting, however, any portion of such claims, suits, demands, causes of action or award of damages as may be attributable to the negligent or intentional acts or omissions of the County, or its servants or agents. With respect to the penalties, damages or charges referenced herein, reasonable attorneys' fees, consultants' fees, and expert witness fees are included in those costs that are recoverable by the County.

2. Notwithstanding the requirements noted in subsection (A) of this section, an indemnification provision will not be required in those instances where the County itself applies for and secures a Conditional Use Permit for Wireless

Telecommunications Facilities.

Section 2523 Fines

1. In the event of a violation of this Ordinance or any Conditional Use Permit issued pursuant to this Ordinance, the County may impose and collect, and the holder of the Conditional Use Permit for Wireless Telecommunications Facilities shall pay to the County, fines or penalties as set forth below.

2. The holder of a Conditional Use Permits failure to comply with provisions of this Ordinance shall constitute a violation of this Ordinance and shall subject the Applicant to the code enforcement provisions and procedures as provided in Article 23, Section 2303 of the Yankton County Zoning Ordinance and an action for civil injunctive relief, pursuant to SDCL 21-8.

3. Notwithstanding anything in this Ordinance, the holder of the Conditional Use Permit for Wireless Telecommunications Facilities may not use the payment of fines, liquidated damages or other penalties, to evade or avoid compliance with this Ordinance or any section of this Ordinance. An attempt to do so shall subject the holder of the Conditional Use Permit to termination and revocation of the Conditional Use Permit. The County may also seek injunctive relief to prevent the continued violation of this Ordinance, without limiting other remedies available to the County.

Section 2524 Default and/or Revocation

If a Wireless Telecommunications Facility is repaired, rebuilt, placed, moved, re-located, modified or maintained in a way that is inconsistent or not in compliance with the provisions of this Ordinance or of the Conditional Use Permit, then the County shall notify the holder of the Conditional Use Permit in writing of such violation. A Permit holder in violation may be considered in default and subject to fines as in Section 24 and if a violation is not corrected to the satisfaction of the County in a reasonable period of time the Conditional Use Permit is subject to revocation.

Section 2525 Removal of Wireless Telecommunications Facilities

1. Under the following circumstances, but not limited to the following circumstances, the County may determine that the health, safety, and welfare interests of the County warrant and require the removal of Wireless Telecommunications Facilities.

    A. Wireless Telecommunications Facilities with a permit have been abandoned (i.e. not used as Wireless Telecommunications Facilities) for a period exceeding ninety consecutive (90) days or a total of one hundred-eighty (180) days in any three hundred-sixty five (365) day period, except for periods caused by force majeure or Acts of God, in which case, repair or removal shall commence within 90 days;

    B. Permitted Wireless Telecommunications Facilities fall into such a state

of disrepair that it creates a health or safety hazard; and

C. Wireless Telecommunications Facilities have been located, constructed, or modified without first obtaining, or in a manner not authorized by, the required Conditional Use Permit, or any other necessary authorization and the Conditional Permit may be revoked.

2. If the County makes such a determination as noted in subsection (A) of this section, then the County shall notify the holder of the Conditional Use Permit for the Wireless Telecommunications Facilities within forty-eight (48) hours that said Wireless Telecommunications Facilities are to be removed, the County may approve an interim temporary use agreement/permit, such as to enable the sale of the Wireless Telecommunications Facilities.

3. The holder of the Conditional Use Permit, or its successors or assigns, shall dismantle and remove such Wireless Telecommunications Facilities, and all associated structures and facilities, from the site and restore the site to as close to its original condition as is possible, such restoration being limited only by physical or Commercial Impracticability, within ninety (90) days of receipt of written notice from the County. However, if the owner of the property upon which the Wireless Telecommunications Facilities are located wishes to retain any access roadway to the Wireless Telecommunications Facilities, the owner may do so with the approval of the County.

4. If Wireless Telecommunications Facilities are not removed or substantial progress has not been made to remove the Wireless Telecommunications Facilities within ninety (90) days after the Permit holder has received notice, then the County may order officials or representatives of the County to remove the Wireless Telecommunications Facilities at the sole expense of the owner or Conditional Use Permit holder.

5. If, the County removes, or causes to be removed, Wireless Telecommunications Facilities, and the owner of the Wireless Telecommunications Facilities does not claim and remove it from the site to a lawful location within ten (10) days, then the COUNTY may take steps to declare the Wireless Telecommunications Facilities abandoned, and sell them and their components.

Section 2526 Relief

Any Applicant desiring relief, waiver or exemption from any aspect or requirement of this Ordinance may request such at the pre-application meeting, provided that the relief or exemption is contained in the submitted Application for either a Conditional Use Permit, or in the case of an existing or previously granted Conditional Use Permit a request for modification of its Tower and/or facilities. Such relief may be temporary or permanent, partial or complete. However, the burden of proving the need for the requested relief, waiver or exemption is solely on the Applicant to prove. The Applicant shall bear all costs of the County in considering the request and the relief, waiver or exemption. No such relief or exemption shall be approved unless the

Applicant demonstrates by clear and convincing evidence that, if granted the relief, waiver or exemption will have no significant aeffect on the health, safety and welfare of the County, its residents and other service providers.

Section 2527 Adherence to State and/or Federal Rules and Regulations

1. To the extent that the holder of a Conditional Use Permit for Wireless Telecommunications Facilities has not received relief, or is otherwise exempt, from appropriate State and/or Federal agency rules or regulations, then the holder of such a Conditional Use Permit shall adhere to, and comply with, all applicable rules, regulations, standards, and provisions of any State or Federal agency, including, but not limited to, the FAA and the FCC. Specifically included in this requirement are any rules and regulations regarding height, lighting, security, electrical and RF emission standards.

2. To the extent that applicable rules, regulations, standards, and provisions of any State or Federal agency, including but not limited to, the FAA and the FCC, and specifically including any rules and regulations regarding height, lighting, and security are changed and/or are modified during the duration of a Conditional Use Permit for Wireless Telecommunications Facilities, then the holder of such a Conditional Use Permit shall conform the permitted Wireless Telecommunications Facilities to the applicable changed and/or modified rule, regulation, standard, or provision within a maximum of twenty-four (24) months of the effective date of the applicable changed and/or modified rule, regulation, standard, or provision, or sooner as may be required by the issuing entity.

THIS PAGE RESERVED FOR FUTURE USE

ARTICLE 26

WIND ENERGY CONVERSION SYSTEMS (WECS)

Section 2601 Definitions

For the purposed of this ordinance, certain terms and words are hereby defined.

Aggregate Project shall mean projects that are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the individual WECS within the larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also part of the aggregate project.

Commercial WECS shall mean a wind energy conversion system of equal to or greater than 100kWh in total nameplate generating capacity.

Construction means any clearing of land, excavation, or other action that would adversely affect the natural environment of the site or route but does not include changes needed for temporary use of sites or routes for non-utility purposes, or uses in securing survey or geological data, including necessary borings to ascertain foundation conditions.

Fall Zone shall mean the area, defined as the furthest distance from the tower base, in which a tower will collapse in the event of a structural failure.

Feeder Line shall mean any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the project distribution system, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the wind energy conversion system.

High voltage transmission line means a conductor of electric energy and associated facilities.

Large electric power facilities mean high voltage transmission lines.

Meteorological Tower shall mean, for purposes of this regulation, a tower which is erected primarily to measure wind speed and directions plus other

data relevant to sitting a Wind Energy Conversion System. Meteorological towers do not include towers and equipment used by airports, the South Dakota Department of Transportation, or other applications to monitor weather conditions.

Person shall mean an individual, partnership, joint venture, private, or public corporation, association, firm, public service company, cooperative, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private, however organized.

Route means the location of a high voltage transmission line between two end-points. The route may have a variable width of up to 1.25 miles.

Rotor Diameter shall mean the diameter of the circle described by the moving rotor blades.

Rotor Radius shall mean one-half (½) the diameter of the moving rotor blade.

Substations shall mean any electrical facility to convert electricity produced by wind turbines to a voltage greater than 35,000 KV for interconnection with high voltage transmission lines.

WECS Total Height shall mean the highest point, above ground level, reached by a rotor tip or any other part of the Wind Energy Conversion System.

WECS Tower shall mean the vertical structures that support the electrical, rotor blades, or meteorological equipment.

Transmission Line shall mean the electrical power lines that carry voltages of at least 69,000 volts (69 KV), and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.

Utility shall mean any entity engaged in this state in the generation, transmission or distribution of electric energy including, but not limited to, a private investor owned utility, cooperatively owned utility, and a public or municipally utility.

Small Wind Energy Conversion System shall mean a wind energy conversion system consisting of a Horizontal-Axis Wind Turbine (HAWT), a Vertical-Axis Wind Turbine (VAWT), which may include a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kWh and, which is primarily intended to reduce on-site consumption of utility power.

Large Wind Energy Conversion System (WECS) shall mean an electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations

and meteorological towers that operate by converting the kinetic energy of wind into electrical energy. The energy may be used on-site or distributed into the electrical grid.

Wind Turbines shall mean any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy using airfoils or similar devices to capture the wind.

Small Wind Energy *Conversion* Systems (WECS)

Section 2602 Intent

It is the intent of this Section to promote the safe, effective, and efficient use of small wind energy conversion systems installed to reduce the on-site consumption of utility supplied electricity.

Section 2603 Requirements

Small wind energy conversion systems shall be considered as a Conditional Use Permit with an exemption provided in 1. i. in this ordinance.

1. Requirements as set forth below shall be met:
   a. The maximum height of a rooftop mounted WECS, including the turbine blades, is ten (10) feet in height above the roof line of the structure.
   b. High Density Rural Residential District (R3) shall allow rooftop mounted WECS only.
   c. Moderate Density Rural Residential District (R2) shall allow rooftop mounted WECS only.
   d. Low Density Rural Residential District (R1), meeting (or exceeding) district requirement of five (5) acre lots, shall have total WECS height limit of thirty (30) feet.
   e. Rural Transitional District (RT) shall allow rooftop mounted WECS only.
   f. Planned Unit Development (PUD), meeting (or exceeding) requirement of five (5) acre lots, shall have total WECS height limit of thirty (30) feet.
   g. Lakeside Commercial Districts (LC) shall allow rooftop mounted WECS only.
   h. Commercial District meeting (or exceeding) district requirements of one (1) acre shall have total WECS height limit of thirty (30) feet with exception provided in Section 2605.
   i. The Agriculture District (AG) may qualify for an administrative building permit meeting (or exceeding) district requirement of twenty (20) acre lots and shall have total WECS height limit less than eighty (80) feet. All other WECS in Agriculture District are provided in Section 2605.

2. Setbacks

a. No part of the wind system structure may be sited closer to structures, property lines and/or right(s)-of-way than 1.1 times the height of the wind turbine measured from the ground surface to the tip of the blade when in a fully vertical position.

3. Access
   a. Tower climbing apparatus located no closer than eight (8) feet from the ground
   b. A locking anti-climb device installed on the tower
   c. Enclosure of the tower by a fence at least six (6) feet high with locking portals, when climbing apparatus is less than eight (8) feet from the ground.

4. Noise
   a. Small wind energy systems shall not exceed 55 dBA, measured at the closest point on the closest property line from the base of the system.
   b. The noise level may be exceeded during short-term events such as utility outages and/or severe windstorms.

5. Approved Wind Turbines
   a. Small wind turbines, horizontal-axis wind turbine (HAWT) or a vertical-axis wind turbine (VAWT), must have been approved under the Emerging Technologies program of the California Energy Commission or any other small wind certification program recognized by the American Wind Energy Association.

6. Compliance with Building and Zoning Codes
   a. Applications for small wind energy conversion systems shall be accompanied by standard drawings of the wind turbine structure, including the tower base, footings and required setbacks.
   b. An engineering analysis of the tower showing compliance with all electrical codes of the State of South Dakota certified by a professional engineer licensed and certified in South Dakota shall also be submitted.
   c. The manufacturer frequently supplies this analysis.

7. Compliance with FAA Regulations
   a. Small wind energy conversion systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.

8. Compliance with National Electrical Code
   a. Permit applications for small wind energy conversion systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code.

b. The manufacturer frequently supplies this analysis.

9. Utility Notification
   a. No small wind energy conversion system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator,
   b. Off-grid systems shall be exempt from this requirement.

10. Warning information
   a. Information related to the maximum power output, nominal voltage and maximum current and emergency shut-down procedures for the WECS shall be posted near the base of the tower in a visible location.

11. Site Reclamation
   a. When a small WECS has been condemned or has fallen into obvious disrepair, or has become a violation of some other local, state, or federal law and/or is no longer able to operate or upon earlier termination of operation of the small WECS, the permittee shall have the obligation, at the permittee's sole expense, to dismantle and remove from the site all towers, turbine generators, transformers, overhead and underground cables, foundations, buildings and ancillary equipment within 120 days upon notification from the County.
   b. If deemed appropriate, the County may stipulate through the conditional use that the small WECS shall be removed at the owner's expense, upon the rezoning of the subject property to a zoning classification in which wind energy systems are not allowed as either a permitted use or a conditional use.

12. Federal and State Requirements
   a. All WECS shall meet or exceed standards and regulations of the Federal Aviation Administration and South Dakota State Statutes and any other agency of federal or state government with the authority to regulate WECS.

Large or Commercial Wind Energy *Conversion* Systems (*WECS*)

Section 2604 Intent

It is the intent of this Section to promote the safe, effective, and efficient use of commercial/utility grade wind energy systems within Yankton County.

Section 2605 Requirements

Large or Commercial wind energy conversion systems shall be permitted as a Conditional Use Permit in the Agricultural District (AG) and in the Commercial District (C) only. Certain requirements as set forth below shall be met:

1. Applicability
   The requirements of these regulations shall apply to all WECS facilities, including private facilities, with a single tower height of greater than eighty (80) feet, rated capacity of more than 100 kWh and used primarily for off-site consumption of power.

2. Federal and State Requirements
   All WECS shall meet or exceed standards and regulations of the Federal Aviation Administration and South Dakota State Statutes and any other agency of federal or state government with the authority to regulate WECS.

3. Mitigation Measures
   a. Site Clearance. The permittees shall disturb or clear the site only to the extent necessary to assure suitable access for construction, safe operation, and maintenance of the WECS.
   b. Topsoil Protection. The permittees shall implement measures to protect and segregate topsoil from subsoil in cultivated lands unless otherwise negotiated with the affected landowner.
   c. Compaction. The permittees shall implement measures to minimize compaction of all lands during all phases of the project's life and shall confine compaction to as small an area as practicable.
   d. Livestock Protection. The permittees shall take precautions to protect livestock during all phases of the project's life.
   e. Fences. The permittees shall promptly replace or repair all fences and gates removed or damaged during all phases of the project's life unless otherwise negotiated with the affected landowner.
   f. Roads: Public Roads. Prior to commencement of construction, the permittees shall identify all state, county or township "haul roads" that will be used for the WECS project and shall notify the state, county or township governing body having jurisdiction over the roads to determine if the haul roads identified are acceptable. The governmental body shall be given adequate time to inspect the haul roads prior to use of these haul roads. Where practical, existing roadways shall be used for all activities associated with the WECS. Where practical, all-weather roads shall be used to deliver concrete, turbines, towers, assemble nacelles and all other heavy components to and from the turbine sites. The permittees shall, prior to the use of approved haul roads, make satisfactory written agreements with the appropriate state, county or township governmental body having jurisdiction over approved haul roads for construction of the WECS for the maintenance and repair of the haul roads that will be subject to extra wear and tear due to transportation of equipment and WECS components. The permittees shall provide the County Zoning Administrator with such written agreements.

Turbine Access Roads. Construction of turbine access roads shall be minimized. Access roads shall be low profile roads so that farming equipment can cross them and shall be covered with material that meets or exceeds South Dakota D.O.T. specifications for aggregate base course. When access roads are constructed across streams and drainage-ways, the access roads shall be designed in a manner so runoff from the upper portions of the watershed can readily flow to the lower portion of the watershed.

Private Roads. The permittees shall promptly repair private roads or lanes damaged when moving equipment or when obtaining access to the site, unless otherwise negotiated with the affected landowner.

Control of Dust. The permittees shall utilize all reasonable measures and practices of construction to control dust.

4. Soil Erosion and Sediment Control Plan

   The permittees shall develop a Soil Erosion and Sediment Control Plan prior to construction and submit the plan to the County Zoning Administrator. The Soil Erosion and Sediment Control Plan shall address the erosion control measures for each project phase, and shall at a minimum identify plans for grading, construction and drainage of roads and turbine pads; necessary soil information; detailed design features to maintain downstream water quality; a comprehensive re-vegetation plan to maintain and ensure adequate erosion control and slope stability and to restore the site after temporary project activities; and measures to minimize the area of surface disturbance. Other practices shall include containing excavated material, protecting exposed soil, stabilizing restored material, and removal of silt fences or barriers when the area is stabilized. The plan shall identify methods for disposal or storage of excavated material. A storm water runoff permit, if required, shall be obtained from the South Dakota D.E.N.R.

5. Setbacks
   a. Wind turbines shall meet the following minimum spacing requirements.
      i. Distance from existing off-site residences, business and public buildings shall be one thousand three hundred and twenty feet (1,320) feet. Distance from on-site or lessor's residence shall be one thousand (1,000) feet.
      ii. Distance from right-of-way (ROW) of public roads shall be 500 feet or one point one (1.1) times the height of the wind turbines depending upon which is greater, measured from the ground surface to the tip of the blade when in a fully vertical position.
      iii. Distance from any property line shall be 500 feet or one point one (1.1) times the height of the wind turbines

depending upon which is greater, measured from the ground surface to the tip of the blade when in a fully vertical position unless wind easement has been obtained from adjoining property owner.

6. Electromagnetic Interference
   The permittees shall not operate the WECS so as to cause microwave, television, radio, or navigation interference contrary to Federal Communications Commission (FCC) regulations or other law. In the event such interference is caused by the WECS or its operation, the permittees shall take the measures necessary to correct the problem.

7. Lighting
   Towers shall be marked as required by the Federal Aviation Administration (FAA). There shall be no lights on the towers other than what is required by the FAA. This restriction shall not apply to infrared heating devices used to protect the monitoring equipment.

8. Access
   a. Tower climbing apparatus shall be located no closer than twelve (12) feet from the ground unless locking anti-climb device is installed on the tower.

9. Turbine Spacing
   The turbines shall be spaced no closer than three (3)-rotor diameters (RD) measurement of blades tip to tip. If required during final micro siting of the turbines to account for topographic conditions, up to 10 percent of the towers may be sited closer than the above spacing but the permittees shall minimize the need to site the turbines closer.

10. Footprint Minimization
    The permittees shall design and construct the WECS to minimize the amount of land that is impacted by the WECS. Associated facilities in the vicinity of turbines such as electrical/electronic boxes, transformers, and monitoring systems shall to the greatest extent feasible be mounted on the foundations used for turbine towers or inside the towers unless otherwise negotiated with the affected landowner.

11. Electrical Cables
    The permittees shall place electrical lines, known as collectors and communication cables underground when located on private property. Collectors and cables shall also be placed within or immediately adjacent to the land necessary for turbine access roads unless otherwise negotiated with the affected landowner. This paragraph does not apply to feeder lines.

12. Feeder Lines

The permittees shall place overhead electric lines, known as feeders, on public rights-of-way if a public right-of-way exists. Changes in routes may be made as long as feeders remain on pubic rights-of-way and approval has been obtained from the governmental unit responsible for the affected right-of-ways. If no public right-of-way exists, the permittees may place feeders on private property. When placing feeders on private property, the permittees shall place the feeder in accordance with the easement negotiated with the affected landowner. The permittees shall submit the site plan and engineering drawings for the feeder lines before commencing construction.

13. Decommissioning/Restoration/Abandonment/Removal Bond

a. Decommissioning Plan

Within 120 days of completion of construction, the permittees shall submit to the County Zoning Administrator a decommissioning plan describing the manner in which the permittees anticipate decommissioning the project in accordance with the requirements of paragraph (b) below. The plan shall include a description of the manner in which the permittees will ensure that it has the financial capability to carry out these restoration requirements when they go into effect. The permittees shall ensure that it carries out its obligation to provide for the resources necessary to fulfill these requirements. The County Zoning Administrator may at any time request the permittees to file a report with the County Zoning Administrator describing how the permittees are fulfilling this obligation.

b. Site Restoration

Upon expiration of this permit, or upon earlier termination of operation of the WECS, the permittees shall have the obligation to dismantle and remove from the site all towers, turbine generators, transformers, overhead and underground cables, foundations, buildings, and ancillary equipment to a depth of four feet. To the extent possible, the permittees shall restore and reclaim the site to its pre-project topography and topsoil quality. All access roads shall be removed unless written approval is given by the affected landowner requesting that one or more roads, or portions thereof, be retained. Any agreement for removal to a lesser depth or for no removal shall be recorded with the County Zoning Administrator which shall show the locations of all such foundations. All such agreements between the permittees and the affected landowner shall be submitted to the County Zoning Administrator prior to completion of restoration activities. The site shall be restored in accordance with the requirements of this condition within eighteen (18) months after expiration.

c. Abandoned Turbines
The permittees shall advise the County Zoning Administrator of any turbines that are abandoned prior to termination of operation of the WECS. The County Zoning Administrator may require the permittees to decommission any abandoned turbine.

d. Performance Security
The Applicant and the owner of record of any proposed large or commercial Wind Energy Conversion System property site shall, at its cost and expense, be jointly required to execute and file with the County a bond, or other form of security acceptable to the County as to type of security and the form and manner of execution, in an amount of at least two (2) percent of the cost of the aggregate project for a WECS and with such sureties as are deemed sufficient by the County to assure the faithful performance of the terms and conditions of this Ordinance and conditions of any Conditional Use Permit issued pursuant to this Ordinance. The full amount of the bond or security shall remain in full force and effect throughout the term of the Conditional Use Permit and/or until any necessary site restoration is completed to restore the site pursuant to 9(a) (above.)

14. Height from Ground Surface
The minimum height of blade tips, measured from ground surface when a blade is in fully vertical position, shall be twenty-five (25) feet.

15. Towers
a. Color and Finish. The finish of the exterior surface shall be non-reflective and non-gloss.
b. All towers shall be singular tubular design.

16. Noise
Noise level shall not exceed 60 dB, including constructive interference effects, measured at the closest point on the closest property line from the base of the system.

17. Permit Expiration
All permits shall become void if no substantial construction has been completed within three (3) years of issuance.

18. Required Information for Permit
a. Boundaries of the site proposed for WECS and associated facilities on United States Geological Survey Map or other map as appropriate.
b. Map of easements for WECS.
c. Map of occupied residential structures, businesses, and public buildings within a 2-mile radius.

d. Map of sites for WECS, access roads and utility lines.
e. Location of other WECS in general area.
f. Project schedule.
g. Mitigation measures.

19. Technical Issues and Expert Review

WECS and equipment facilities may involve complex technical issues that require review and input that is beyond the expertise of County staff. The Zoning Administrator, Planning Commission, Board of Adjustment, and/or the County Commission may require the applicant to pay reasonable costs for a third party technical study of a proposed facility. Selection of expert(s) to review will be at the sole discretion of the County.

THIS PAGE RESERVED FOR FUTURE USE

ARTICLE 27
HIGHWAY 52 CORRIDOR OVERLAY DISTRICT

Section 2701 - PURPOSE

Yankton County offers one of the most scenic drives in South Dakota. The view from Chalkstone Hill is spectacular and the corridor ends at beautiful Lewis and Clark Lake. This rich natural environment should be complemented by a vibrant built environment. The Highway 52 Corridor Overlay District (HC) provides basic guidelines that promote quality design along the most visible and heavily traveled road corridor in the Yankton County zoning jurisdiction: Highway 52 from the City of Yankton to Lewis and Clark Lake. The Highway 52 Corridor Overlay District is intended to: Encourage development design that strengthens the physical character and image of Yankton County; Support the value of property and quality of development in the major highway corridor; set basic requirements for good site design and development, building design, landscaping, and signage without discouraging creativity and flexibility in design; permit safe and convenient transportation access and circulation for motorized and non-motorized vehicles, and for pedestrians; manage the impact of commercial and industrial development on adjacent residential neighborhoods.

Section 2703 – PROHIBITED USES

The uses permitted in the Highway 52 Corridor Overlay District (HC) shall be the same as those permitted by the underlying base zoning district except as provided by this section. The following uses shall be prohibited within the Highway 52 Corridor Overlay District:

- Hazardous waste storage;
- Manufacturing as stated in the Definitions section of the Yankton County Zoning Ordinance, except by a conditional use permit;
- Mobile home, modular home, and manufactured home sales;
- Mobile home parks;
- Pawn shops, as stated in the Definitions section of the Yankton County Zoning Ordinance;
- Residential houses (exclude all rural residential districts);
- Salvage or junk yard operations and transfer stations, as a primary use;
- Tow lots, as a primary use.

Section 2705 - HIGHWAY CORRIDOR OVERLAY DISTRICT BOUNDARIES (HC)

The Highway Corridor Overlay District (HC) applies to the following areas:

- Land within 650 feet south and north side of the centerline of Highway 52 within the planning jurisdiction of Yankton County.
- The eastern terminus of the Corridor Overlay District is the intersection of Highway 52 and lower Chalkstone Road.
- The western terminus of the Corridor Overlay District is the intersection of Highway 52 and Welkom Avenue. This area shall include all property zoned Lakeside Commercial on the north side of Highway 52.

Section 2707 - PROJECT APPLICATION AND EXCEPTIONS

The Highway 52 Corridor Overlay District (HC), its development guidelines, and other provisions, apply to the following:
Any new development requiring a building permit built on land within the boundaries of the Highway 52 Corridor Overlay District after the effective date of this Regulation, except any land that was platted prior to the adoption of this Overlay District. Replats, lot line adjustments, and lot consolidations of such platted properties shall remain excepted. Phased Developments, such as Planned Unit Developments, shall mean property that was, at a minimum, preliminary platted and at least a part of the property within the preliminary plat was final platted. This Overlay District shall include phased developments, such as Planned Unit Developments, if new development occurs within the boundaries of the District as outlined in Section 105.
The requirements of the Highway 52 Corridor Overlay District apply to any rehabilitation, repair, addition(s) or enlargement(s) of a building in place or under construction on a site as of the effective date of this Regulation. The requirements of the HC Overlay District do not apply to any building under construction on a site as of the effective date of this regulation necessitated by casualty loss.

Section 2709 - DESIGN GUIDELINES FOR COMMERCIAL AND OFFICE USES

Site Design Guidelines

(A) BUILDING LOCATION AND ORIENTATION

1. Facades with principal entrances shall be oriented to the project's primary street or to an active pedestrian or public zone within the site. The primary street for a development is Highway 52, Timberland Drive, Deer Boulevard, or a collector (frontage) street that fronts the development. The site plan shall determine orientation of the principal entrance.

2. Developments at intersections shall identify or emphasize their corners with significant landscaping or similar public feature. In a corner situation, a public feature may include a sign as referred to in Part E of this Section.
3. A clearly delineated pathway or route should connect all principal building or business entrances to any sidewalks or trails on streets adjacent to the project.

(B) PEDESTRIAN ACCESS

1. Developments shall provide a continuous walkway connection at least 5 feet in width from the public sidewalk to the customer entrances of all principal buildings on the site. Developments adjacent to multi-use trails shall provide a direct connection from the trail to the development's internal pedestrian circulation system. For trails that are proposed in the county's comprehensive plan, trail master plan, or other adopted county document but are not yet constructed, the development plan shall make provisions for a connection to the trail, and shall be responsible for constructing the connection when the trail becomes available.
2. Multi-building developments shall provide clear and safe walkways at least 5 feet in width that connect all buildings on the site. Buildings not intended for routine customer access or intended solely for drive-up services are excluded from this requirement.
3. Where the required walkways specified in this section cross drives, parking aisles, or other vehicular ways, the crosswalks shall be distinguished from driving surfaces by the use of durable, low-maintenance surface materials such as concrete or brick pavers; scored, colored concrete; or painted concrete.
4. Pedestrian connections to adjacent developments shall be provided.

(C) VEHICULAR ACCESS

1. Developments shall make maximum use of internal cross-easements and shared access points when possible.
2. Main driveways and drive aisles shall provide a continuous system that connects to the main site entrance.

(D) PARKING

1. Parking shall be grouped into parking blocks that are divided by pedestrian paths, landscaping, or buildings.
2. A maximum of 400 parking stalls may be located in any one parking block.

(E) SIGNS

All permanent signs shall be designed, constructed and maintained in accordance with the following standards:

1. Attached signs shall be located above the building entrance, storefront opening, or at other locations that are compatible with the architectural features of the building. All signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame or structure. All signs shall be maintained in a safe and legible condition at all times, including the replacement of defective or damaged parts, painting, repainting, cleaning and other services required for maintenance of the signs. All signs with an electronic message display capability shall have internal ambient light monitors installed which automatically adjust brightness to the level defined in this chapter. If a sign is not so maintained, then the owner shall be notified in writing and required to remove the sign or to immediately bring the sign into compliance.
2. All lots abutting Highway 52 shall use monument or ground signs, shall not exceed fifteen feet (15) in height and shall not exceed 120 square feet on each side. Each pole sign shall not exceed thirty (30) feet in height and one hundred twenty (120) square feet on each side for electronic signs and / or one hundred twenty (120) square feet for traditional text / graphics signs. Multi-tenant business sign shall not exceed two (2) square feet / one (1) linear foot of street frontage with maximum of four hundred (400) square feet on each side.
3. All lots abutting Highway 52 exterior building on-site signs shall not exceed two (2) square feet / one (1) linear foot of structure frontage with maximum total of two hundred (200) square feet of signage for each structure.
4. Illuminated signs shall be so shielded, shaded or directed so that the light intensity shall not adversely affect the surrounding or facing premises nor adversely affect the safe vision of operators of vehicles on private or public roads. No illumination, including traditionally illuminated signs, shall exceed a

brightness level of 0.3 foot candles above ambient light at the nearest property line of abutting property.

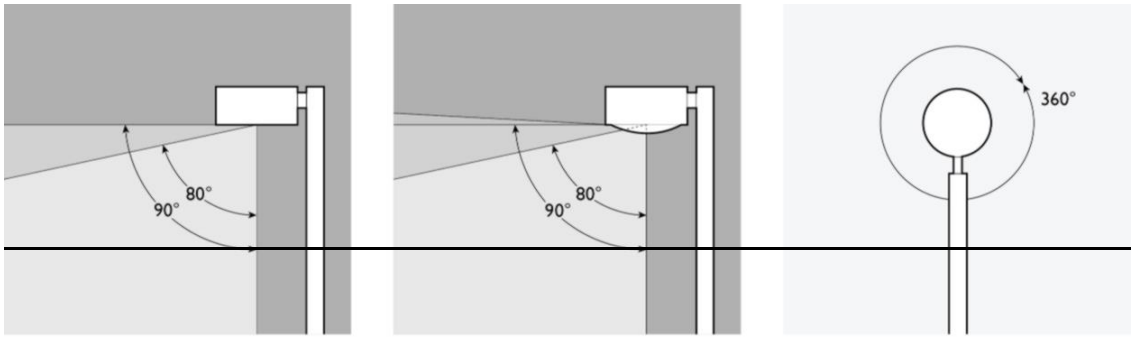
5. A landscaped base area shall be provided for all signs appropriate to the mass and height of the sign. All areas within 5 feet of the base of any sign shall be landscaped. The landscaped area may include trees, shrubs, flowering perennials, ornamental tall grass, fountains, water features, decorative stonework, planters, sculpture, decorative paving, turf grass, loose stone, and mulch.
6. All banner signs will require a special permit for a period not exceeding sixty (60) days in a calendar year for a fee of $50.00 for each sign permit. A banner sign permit for a period not exceeding three (3) days in a calendar year for a fee of $25.00 for each sign permit.
7. All property in the Hwy 52 Corridor Overlay District in existence as of the date of this amended Overlay Ordinance which is not in compliance with the requirements of Article 27, Section E: Signs, #6, shall be made to comply with all such regulations within twelve (12) months of the date of this amendment to the Corridor Overlay District.
8. Lots not abutting the designated highway are allowed signs as regulated by Article 14 of the Yankton County Zoning Ordinance.

(F) SCREENING

Developments shall provide year-round screening of outdoor storage, utility meters, HVAC equipment, trash collection and processing. Utility meters, HVAC, and trash collection, outdoor storage and processing shall be screened to its full vertical height. Trash enclosure gates shall furnish a steel frame with decorative steel or wood covering, or another design acceptable to the Zoning Administrator. Screening shall be integrated into the overall design of buildings and landscaping and fully contain the visual impact of these service functions from adjacent public streets and neighboring properties.

(G) LIGHTING

1. All lighting used to illuminate an off-street parking area, sign or other structure shall be arranged so as to deflect light away from any adjoining property through fixture type and location. When lighting is mounted to the underside of canopies, these lights shall be recessed so that the visible light source is no lower than the plane of the underside of the canopy.
2. The maximum height of lighting standards shall be 30 feet, unless the County grants a specific exception as part of the application approval process.
3. Exterior lighting of buildings shall be limited to illuminating devices hooded (bulb type/non-glare) in such a manner that the direct beam of any light sources will not glare upon adjacent property or public streets.



Permitted: Full Cutoff Luminaire

Does not allow light at 90°. Allows 100 cd per 1,000 lamp lumens at 80 degrees

Permitted: Cutoff Luminaire

Allows 25 cd per 1,000 lamp lumens at 90° and 100 cd per 1,000 lamp lumens at 80 degrees

Not Permitted: Non-Cutoff Luminaire

Allows unrestricted distribution of light at any angle.

Source: IESNA

Section 2711 - ARCHITECTURAL GUIDELINES

(A) MASS AND SCALE FOR BUILDINGS

1. Variations in the vertical plane of the building shall be incorporated into the mass of the building at significant entrances or along walls that front plazas or other significant pedestrian features. Methods of variation may include towers, pediments, or façade articulations or variations; changes in the horizontal plane; or enhancements in color and materials, consistent with the overall design of the building.
2. Primary building facades shall meet one of the following guidelines:
   a. Facades shall incorporate projections or recesses in the wall plane.
   b. Facades shall display a pattern of color change, texture change, material change, or expression of structural bays with an offset of at least 12 inches from the ruling plane of the facade.
3. The Yankton County Board of Commissioners may waive these guidelines if the applicant demonstrates an alternative building design that in the Board's opinion provides visual interest and scale to the building.

(B) ARCHITECTURAL ELEMENTS

1. Front facades facing a primary street shall have visible, clearly defined customer entrances that include at least three of the following elements: canopies or porticos, overhangs, recesses or projections, arcades, raised cornice parapets over the entrance door, distinctive roof forms, arches, outdoor patios or plazas, display windows, or integral planters.
2. Front facades shall utilize variations in color, horizontal planes, materials, patterns, height, or other techniques to provide visual interest and scale to buildings.
3. All rear and side facades abutting an arterial or collector shall use a simplified expression of the materials and design used on the front facade.

(C) BUILDING MATERIALS

1. Permitted exterior building materials shall be high quality, durable materials that include, but are not limited to, brick, native or manufactured stone, wood, concrete, cement and/or architectural metals.
2. Materials on all sides of the building shall complement the front facade.
3. These guidelines are not intended to inhibit creativity and innovation in building design.

(D) ROOF FORMS

1. Buildings with slightly sloped roofs to drain shall incorporate parapets on all facades that face a public street or residential district. Variations in parapet height and articulation of cornice lines may be used to add interest.
2. Roof forms shall be designed to express various building functions or features, such as entrances.
3. Visible roof materials shall include clay or concrete tile, split shakes, tern metal, architectural grade asphalt shingles, asphalt shingles, fiberglass shingles, architectural metals, copper, natural or synthetic slate, or similar durable materials.

Section 2713 - LANDSCAPE STANDARDS FOR ALL USES

1. Building Perimeter Walls

Shrubs, or other landscape materials, shall be planted / placed within 15 feet of the foundation of the primary structure along each building facade at the rate of at least 20 shrubs per 50 lineal feet of building facade except for sides or rear of building used for loading or service areas. Foundation plantings may be clustered to provide visual interest.

2. Roadway Frontage

   Along highway frontage there shall be a minimum 1O-ft. wide landscape strip, continuous along the frontage except for perpendicular crossings for driveways and utilities. The landscape strip shall be planted with shade trees (6 ft. tall, 2" caliper, dbh, at time of planting, and not less than 20 ft. tall at maturity) planted not more than 50 ft. on center, and shrubbery forming an intermittent hedge not less than 3 ft. in height designed to provide an adequate screen. Landscape berms, earthen mounds designed to provide visual interest, screen undesirable views, and/or decrease noise, may be incorporated into the landscape design.

3. Outdoor Sales Display Areas

   Along highway frontage there shall be a minimum 1O-ft. wide landscape strip, continuous along the frontage except for perpendicular crossings for driveways and utilities. The landscape strip shall be planted in a bed of ground cover, sod, landscape mulch and/or low shrubbery.

4. Outdoor Storage Areas

Along highway frontage there shall be a minimum 1O-ft. wide landscape strip, continuous along the frontage except for perpendicular crossings for driveways and utilities. The landscape strip shall be planted in a bed of ground cover, sod, landscape mulch and/or low shrubbery.

5. Customer Parking Lot Landscaping
   a. Each parking area of over 25 spaces shall include landscaped islands within the parking area equivalent to not less than 5 - 10 percent with Planning Director discretion of the total paved area of the parking lot, not including pervious paving surfaces.
   b. Landscaping in parking lots shall contain at least 1 shade tree (minimum of 6 ft. tall and 2" caliper dbh at time of planting and 20 ft. tall at maturity) for each 100 square feet of landscaping. Shade trees shall be planted in a bed of ground cover, sod, landscape mulch and/or low shrubbery.

6. Perimeter Landscaping
   a. Where parking lots abut adjacent residentially zoned or residentially used property, a transitional buffer is required.
   a. Where parking lots abut public streets other than the Highway, a landscape strip is required.
   b. Appropriate shade tree species for landscaping parking lots include the following:
      1. White Swamp Oak
      2. Various ornamental crab apple cultivars
      3. Gingko (Variety: President, Autumn Gold, male gender)
      4. Accolade Elm
      5. Amur Maple
      6. Autumn Blaze Maple
      7. Various Linden cultivars
      8. Various Spruce cultivars
      9. Various Birch cultivars
      10. Other indigenous species approved by the Zoning Administrator.