

**Yankton County
Commission
6:00 PM, Tuesday, December 5, 2023
Commission Chamber
Yankton County Government Center**

Agenda

**DOCUMENTS WILL BE AVAILABLE AT AUDITOR'S OFFICE FOR
December 1st. COPIES AVAILABLE FOR \$1.00 PER PAGE**

**Meeting chaired
by:**

Don Kettering, Chairman

**01 Call to
order:**

6:00 PM

PLEDGE OF ALLEGIANCE

_____ Ryan Heine _____ John Marquardt _____ Dan Klimisch

**02 Roll
Call:**

_____ Wanda Howey-Fox _____ Don Kettering

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	Chairman Kettering
04	6:03 PM	Approval of Agenda Public comment is a time for persons to address this body on any subject. 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. There shall be no personal attacks against the members of this body, county staff, individual, or organizations. The Chair has the authority to enforce this policy. Failure to adhere to these rules may result in forfeiture of the remaining speaking time.	Public Comment
05	6:05 PM	Approve County Health Insurance	Julie Auch
06	6:10 PM	Wage Discussion	Eric Van- Dussen

07	6:15 PM	Donate \$2,000.00 - Old Post Office Building Picture to be put in the Government Center	Alitha Higgins
08	6:20 PM	Big Grant Application 68-030-018 2023 Bridge Inspection Report RAIF Equipment Purchase Approve for 2024	Mike Sedlacek
09	6:25 PM	Medical Cannabis Renewals	Commission
10	6:30 PM	Ordinance Adoption – 1 st Reading Solar	Zoning
11	6:35 PM	South Sundance Road District Sundance Ridge Road District	Bob Curry Todd Huber
12	6:40 PM	WIC Office Clerical	Fox/Marquardt
13	6:45 PM	Naloxone Policy	Wanda Howey-Fox
14	6:50 PM	On Line Permitting Software	Dan Klimisch
15	6:55 PM	November 21, 2023 Minutes	Commission
16	7:00 PM	Unanticipated Revenue Sheriff and Highway	Auditor
17	7:05 PM	Claims November 2023 Payroll 4-H MOU with SDSU	Auditor
18	7:10 PM	Public Comment	
19	7:15 PM	Commissioner Updates	Commission
20	7:20 PM	Full/Part Time Position Items for Next Meeting	State Attorney



COMMISSIONER MEETING AGENDA REQUEST

321 W 3rd, Suite 100, Yankton, SD 57078

E-Mail: patty@co.yankton.sd.us

Submission Deadline: 3:00pm on the Wednesday before scheduled meeting

Date Request Submitted 11/29/23

Request is for Commission Meeting Dated 12/5/23

Name: Camilla Higginv (aka Alitha Higginv)

Address: Yankton

Phone: _____

E-Mail Address: _____

Topic to be Addressed and Length of Presentation: Gov't Building Donation
5 minutes

Specific Purpose for the Request (Please Also Attach Support Documents): _____

Applicant wants to donate \$2,000.00 to be

earmarked for the pictures to include her Gov't

Office Building.

Person(s) Making Presentation to the Board: _____

Ms. Higginv

Audio/Visual Equipment Needed: No.

For Office Use:

Approved _____ Denied _____ Reason(s): _____

Signature: _____

Date: _____



2024 APPLICATION FOR BRIDGE IMPROVEMENT GRANT (BIG) FUNDS PRESERVATION OR REHAB/REPLACEMENT

SUBMIT APPLICATION TO: DOT.LOCGOVASSISTOFFICE@state.sd.us
All other items must be uploaded to the LGA SFTP Site via a Consultant

Must be postmarked by January 2, 2024

Identification	Bridge ID # 68-030-018	Location: 7.2N and 1.0E of Lesterville
	Owner: Yankton County	Over: James River
	Anticipated Year of Letting: 2025	Road/Street/Avenue Name: Yank. Co. 213 / 431st Ave.
	Preservation Score: _____ OR BIG Score (Rehab/Repl): 59.000 Preliminary Engineering: <input type="checkbox"/> Paid by Local OR <input type="checkbox"/> Paid by BIG Grant PCN 07M5 (DO NOT REUSE THIS NUMBER WITHIN THE APPLICATION)	
Grant	Total Project Cost Breakdown	
	Current SDDOT Construction Price Index 2.5% \$ <u>0.00</u> Design Cost (include subsurface investigation if not done by SDDOT) + \$ <u>2,734,575.00</u> Construction Cost + \$ <u>410,186.25</u> 15% Overall Project Contingency (Design + Constr. ONLY) + \$ _____ Subsurface Invest. (80% BIG / 20% State if done by SDDOT) + \$ _____ Ineligible Costs (100% local funds) + \$ <u>0.00</u> CE Cost (80% BIG / 20% Local – in addition to grant cap)	Proposed Grant \$ <u>3,144,761.25</u> Total (Design, subsurface invest. if not done by SDDOT, Construction) Grant Funds \$ 2,515,809.00 (80% max. or other _____%) Local Match \$ <u>628,952.25</u> (20% min. or other _____%)
	<input type="checkbox"/> Preservation BIG (\$37,500 min. = \$30,000 + \$7,500 Local Match of 20% min.) <input checked="" type="checkbox"/> Major Rehab/Replacement BIG (\$125,000 min. = \$100,000 + \$25,000 Local Match of 20% min.)	
Eligibility	Select if Applicable: <input type="checkbox"/> Project involves Right of Way on Tribal Lands <input checked="" type="checkbox"/> Bid Ready Plans Packet (Required items: final plans, final hydraulics, load rating, design calculations and check design, certifications, permits, engineer's estimate, bid proposal, bid specifications, & construction management plan.)	
	County Applicant: Amount of County Wheel Tax per wheel for >6000 lb classification: <u>\$5.00</u> <input checked="" type="checkbox"/> True <input type="checkbox"/> False - Is the structure listed in the Approved County 5-Year Plan	
	All Projects: (Attach separate sheet with explanation if any of the following are False) <input checked="" type="checkbox"/> True <input type="checkbox"/> False - Structure serves multiple residences, farms, ranches or a multi-lot development? <input checked="" type="checkbox"/> True <input type="checkbox"/> False - Structure is located on a Full Maintenance Road? <input checked="" type="checkbox"/> True <input type="checkbox"/> False - Roadway does not terminate into a field entrance, driveway, single residence, farm, or ranch? <input checked="" type="checkbox"/> True <input type="checkbox"/> False - Local Public Agency (LPA) is in full compliance with Federal and State NBIS requirements? <input checked="" type="checkbox"/> True <input type="checkbox"/> False - Has general maintenance been performed on the structure? (Maintenance records must be attached.) Note: If a deviation from duties, as listed in section VII of the BIG Procedures, has been obtained/approved by the Secretary of Transportation, please check here and attach documentation. <input type="checkbox"/> Preservation Appl. Requirements: CHECKLIST, description of requested work; design and CE cost proposals in DOT format, shown separately; engineer's estimate for construction with eligible and non-eligible items shown separately (lump sum contingency NOT ELIGIBLE and cannot be shown on estimate), photos of existing conditions to be addressed, delamination survey for low slump overlay and 2 coat polymer seals. Major Rehab/Replacement Appl. Requirements: CHECKLIST, Type, Size, & Location (TS&L) report; design and CE cost proposals in DOT format, shown separately; engineer's estimate for construction with eligible and non-eligible items shown separately (lump sum contingency NOT ELIGIBLE and cannot be shown on estimate.)	
Work Description	Replace existing 371.8' I-Beam Viaduct bridge with proposed 496' Four Span Steel Girder. Federal grant awarded in 2023, requesting BIG funds to cover local match.	
LPA Authorization	Mike Sedlacek LPA Contact (print) Contact email and phone number: MikeS@co.yankton.sd.us (605) 260-4473 - Attach resolution from Commission/Council authorizing application for grant -	

**BRIDGE IMPROVEMENT GRANT PROGRAM
RESOLUTION AUTHORIZING SUBMISSION OF APPLICATIONS**

WHEREAS, _____ wishes to submit an application(s)
for consideration of award for the Bridge Improvement Grant Program:

STRUCTURE NUMBER(S) AND LOCATION(S):

and WHEREAS, _____ certifies that the project(s) are listed in
the county's Five-Year County Highway and Bridge Improvement Plan*;

and WHEREAS, _____ agrees to pay the **20 %** match on the
Bridge Improvement Grant funds;

and WHEREAS, _____ hereby authorizes the Bridge
Improvement Grant application(s) and any required funding commitments.

NOW THEREFORE BE IT RESOLVED:

That the South Dakota Department of Transportation be and hereby is requested to accept the
attached Bridge Improvement Grant application(s).

Vote of Commissioners/Council: Yes _____ No _____

Dated at _____, SD, this _____ day of _____, _____.

ATTEST:

County Auditor/City Finance Officer

Chairman/Mayor

*NOTE – not applicable for cities applying for the grant – simply mark 'NA'
Minimum required is 20%; must match percent shown on application.

BRIDGE IMPROVEMENT GRANTS PROGRAM CHECKLISTS
MUST BE SUBMITTED WITH EACH APPLICATION WITH ALL ITEMS CHECKED OFF AND ATTACHED

Preservation Application Requirements

- Description of Requested Work
- Design Cost Proposal in DOT Format
- Construction Engineering Cost Proposal in DOT Format
- Engineer's Estimate for Construction (Non-Eligible Items need to be shown separately from Eligible Items)
- Latest Bridge Inspection Report and Photos of Existing Conditions to be Addressed
- Delamination Survey if Proposed Work is a Low Slump Overlay or a 2 Coat Polymer Seal

Major Rehab/Replacement Application Requirements

- Type, Size, & Location (TS&L) Report/Letter
- Design Cost Proposal in DOT Format
- Construction Engineering Cost Proposal in DOT Format
- Engineer's Estimate for Construction (Non-Eligible Items need to be shown separately from Eligible Items)

Bid Ready Packet Requirements

- Type, Size, & Location (TS&L) Report/Letter
- Final Plans
- Final Hydraulics
- Load Ratings (BrR Model and DOT Load Rating Summary Sheet)
- Design Calculations
- Check Design Calculations
- Geotechnical Report (if services not provided by DOT)
- ROW and Utility Certifications
- 404 Permit
- Other Permits as Needed
- Draft Construction Engineering Agreement (including estimated cost)
- Engineer's Estimate for Construction (Non-Eligible Items need to be shown separately from Eligible Items)
- Bid Proposal
- Bid Specifications (Only for specifications that are different than SDDOT Standard Specifications)
- Construction Management Plan

Application for Rural Access Infrastructure Grant

The deadline for applications will be October 31st of each year.
A 5 year structure improvement plan is due by August 31st of each year.
Grants to be awarded by January 15th, the following year

Date Applied 10/23/2023

****Funding is subject to approval by the Highway Supt and County Commission, with payment after project completion.**

Township Ziskov Contact Person/ Title Mike Sedlacek HWY Superintendent

Address/ City /State /Zip 3302 West City Limits Rd Yankton SD 57078

Telephone: 605-260-4473 Email mikes@co.yankton.sd.us

Structure ID from Inventory Database: 68-0213-1705

Describe location of project: Approximately 50ft. east of the intersection of 430th Ave & 308th St.

Describe issue or reason for request: Concrete box culvert has deteriorating concrete and has exposed and deteriorated concrete

Safety/emergency implications: inspect yearly

Proposed solution: replace concrete box culvert with a steel arch culvert

Number of County Residents Affected: 4 Estimated Completion Date: 2024

One time Problem Re-occurring Problem If re-occurring, how can this problem be resolved?

What is the size of the culvert or structure being replaced? 72" w x 36" tall

What is the size of the proposed new culvert or structure? 60" w x 46" tall

What, if any, engineering costs are anticipated? N/A

Additional permitting may be required if the replacement is different than the original structure.

Total Project Cost: \$12,000 Township Proposed Contribution: \$2,400 Grant Requested: \$9,600

Please Attach the Bid Proposal/ Estimate from contractor with this application.

Submitted By:

Mike Sedlacek

Printed Name

Mike Sedlacek

Signature

10/23/2023

Date

Application for Rural Access Infrastructure Grant

The deadline for applications will be October 31st of each year.

A 5 year structure improvement plan is due by August 31st of each year.
Grants to be awarded by January 15th, the following year

Date Applied 10/23/2023

****Funding is subject to approval by the Highway Supt and County Commission, with payment after project completion.**

Township Ziskov Contact Person/ Title Mike Sedlacek Hwy Superintendent

Address/ City /State /Zip 3302 West City Limits Rd

Telephone: 605-260-4473 Email mikes@co.yankton.sd.us

Structure ID from Inventory Database: 68-0128-1706

Describe location of project: From the intersection of 429 Ave and 308 St.

Describe issue or reason for request: This structure is beyond repair. The floor of the concrete box culvert is completely deteriorated. The side walls have exposed rebar and deteriorating concrete.

Safety/emergency implications: This structure is not deemed unsafe as of now. Will have to keep inspecting it for any changes.

Proposed solution: replace with new concrete box culvert.

Number of County Residents Affected: 4 Estimated Completion Date: 2024

One time Problem Re-occurring Problem If re-occurring, how can this problem be resolved?

What is the size of the culvert or structure being replaced? 10' wide X 5' tall

What is the size of the proposed new culvert or structure? 10' wide X 5' tall

What, if any, engineering costs are anticipated? N/A

Additional permitting may be required if the replacement is different than the original structure.

Total Project Cost: \$64,000 Township Proposed Contribution: \$12,800 Grant Requested: \$51,200

Please Attach the Bid Proposal/ Estimate from contractor with this application.

Submitted By:
Mike Sedlacek
Printed Name

Mike Sedlacek
Signature

10/23/2023
Date

Small Structure Improvement Plan for Rural Access Infrastructure Grant

A 5 year structure improvement plan is due by August 31st of each year.
The deadline for applications will be October 31st of each year.
Grants to be awarded by January 15th, the following year

Date Applied 8/28/2023

Township Yankton County HWY Contact Person/ Title Mike Sedlacek / HWY Superintendent
Address/ City /State /Zip 3302 West City Limits Rd Yankton SD 57078
Telephone: 605-260-4473 Email mikes@co.yankton.sd.us

Pursuant to 8-10-30, we have provided our townships annual report to the _____ County Auditor before the last day of March 20____ and retained a copy in the records of the township clerk. YES / NO

The township is eligible for funds based upon the following criteria. Check all that apply.

Impose a Property Tax Levy of 50 cents per thousand 10-12-28.2 _____

Impose a tax levy opt out pursuant to 10-13-36 _____ Structure is on a full maintenance road

Website for your map and inventory list: sdtownships.com— or -- <https://bit.ly/3LHeHnO>.

The follow requirements are attached on a separate sheet of paper. Check all that applying

A map showing the location of all small structures within the township

A print out from the DOT database identifying structure location, width, length, condition, load posting

The following list identifies the structures to be proposed for replacement over the next 5 years. As one cannot accurately plan for disasters, this list is subject to modifications as situations present itself.

YEAR 20 24

Structure ID 68-0128-1706 Location Ziskou Township - 308th St.

Type of project Replace Concrete box culvert

Estimated Cost \$64,000 Expected Completion Year 2024

If the structure has a load posting, the current posting is _____. (only fill in if this applies)

YEAR 20 24

Structure ID 68-0213-1705 Location Ziskou Township - 308th St.

Type of project Replace concrete box culvert with steel culvert

Estimated Cost \$12,000 Expected Completion Year 2024

If the structure has a load posting, the current posting is _____. (only fill in if this applies)

YEAR 20 25

Structure ID 68-1099-0634 Location Central Township - NEJRR

Type of project bridge Replacement with concrete box culvert

Estimated Cost \$105,000 Expected Completion Year 2025

If the structure has a load posting, the current posting is _____ . (only fill in if this applies)

YEAR 20 26

Structure ID 68-0421-1004 Location Lesterville Township - 301 St.

Type of project Replace concrete box culvert

Estimated Cost \$62,000 Expected Completion Year 2026

If the structure has a load posting, the current posting is _____ . (only fill in if this applies)

YEAR 20 27

Structure ID 68-0311-1606 Location Ziskou Township - 431 Ave & 307 St.

Type of project Replace bridge with new bridge

Estimated Cost \$150,000 Expected Completion Year 2027

If the structure has a load posting, the current posting is _____ . (only fill in if this applies)

YEAR 20 28

Structure ID 68-0498-1705 Location Ziskou Township - 308th St.

Type of project Replace Culvert

Estimated Cost \$19,000 Expected Completion Year 2028

If the structure has a load posting, the current posting is _____ . (only fill in if this applies)

YEAR 20 28

Structure ID 68-0407-1103 Location Lesterville Township - 302nd St.

Type of project Replace Culvert

Estimated Cost \$26,000 Expected Completion Year 2028

If the structure has a load posting, the current posting is _____ . (only fill in if this applies)

YEAR 20 _____

Structure ID _____ Location _____

Type of project _____

Estimated Cost _____ Expected Completion Year _____

If the structure has a load posting, the current posting is _____ . (only fill in if this applies)

Application for Rural Access Infrastructure Grant

The deadline for applications will be October 31st of each year.

A 5 year structure improvement plan is due by August 31st of each year.
Grants to be awarded by January 15th, the following year

Date Applied 10-30-23

****Funding is subject to approval by the Highway Supt and County Commission, with payment after project completion.**

Township Turkey Valley Contact Person/Title Mike Swensen - Supervisor

Address/ City /State /Zip 45032 295th St Inver SD 57037

Telephone: 605-661-9095 Email sweny@iw.net

Structure ID from Inventory Database: 68-2387-0400

Describe location of project: 900 ft west of 295th St - 452nd Avenue

Describe issue or reason for request: The age of current structure. The width of the top bridge is very narrow.

Safety/emergency implications: This is a very highly traveled road and we have concerns with safety due to the width of existing structure. Bridge is not posted with heavy truck traffic.

Proposed solution: Remove existing bridge. Replace with 48" x 64' culvert. Bring in fill and widen road.

Number of County Residents Affected: 20 Estimated Completion Date: 10-20-24

One time Problem Re-occurring Problem

If re-occurring, how can this problem be resolved?

What is the size of the culvert or structure being replaced? 48" x 72"

What is the size of the proposed new culvert or structure? 48" x 64'

What, if any, engineering costs are anticipated? -0-

Additional permitting may be required if the replacement is different than the original structure.

Total Project Cost: 17,000 Township Proposed Contribution: 3,400 Grant Requested: 13,600

Please Attach the Bid Proposal/ Estimate from contractor with this application.

Submitted By:

Mike Swensen
Printed Name

Mike Swensen
Signature

10-30-23
Date

Small Structure Improvement Plan for Rural Access Infrastructure Grant

A 5 year structure improvement plan is due by August 31st of each year.
The deadline for applications will be October 31st of each year.
Grants to be awarded by January 15th, the following year

Date Applied 8-31-2023

Township Turkey Valley Contact Person/Title Mike Swensen / Supervisor
Address/ City/State /Zip 45032 295th St Irwin SD 57037
Telephone: 605-661-9095 Email swensy@iwo.net

Pursuant to 8-10-30, we have provided our townships annual report to the Yankton County Auditor before the last day of March 2022 and retained a copy in the records of the township clerk. YES / NO

The township is eligible for funds based upon the following criteria. Check all that apply.

- Impose a Property Tax Levy of 50 cents per thousand 10-12-28.2 _____
- Impose a tax levy opt out pursuant to 10-13-36 Structure is on a full maintenance road

Website for your map and inventory list: sdtownships.com -- then -- map and inventory access click here

The follow requirements are attached on a separate sheet of paper. Check all that applying

- A map showing the location of all small structures within the township
- A print out from the DOT database identifying structure location, width, length, condition, load posting

The following list identifies the structures to be proposed for replacement over the next 5 years. As one cannot accurately plan for disasters, this list is subject to modifications as situations present itself.

YEAR 20 24
Structure ID 68-2387-0400 Location 900 ft west of 295th - 452 Avenue
Type of project Remove old box culvert and replace with 48" - 64ft long culvert
Estimated Cost 14,000 Expected Completion Year 2024

If the structure has a load posting, the current posting is _____ . (only fill in if this applies)

YEAR 20 25
Structure ID 68-1905-0019 Location 1,000 ft south 291st 447th Avenue
Type of project Remove old concrete bridge and replace with 2' - 48" x 35' culvert
Estimated Cost 11,000 Expected Completion Year 25

If the structure has a load posting, the current posting is _____ . (only fill in if this applies)

YEAR 20 24 1309-0030
Structure ID 0032 Location 441^{st.} Ave.
Type of project Replace all culverts
Estimated Cost \$80,000 Expected Completion Year 24
If the structure has a load posting, the current posting is _____ . (only fill in if this applies)

YEAR 20 24
Structure ID 68-1681-0504 Location 296th St
Type of project Replace culvert + clean ditch
Estimated Cost \$75,000 Expected Completion Year 24
If the structure has a load posting, the current posting is _____ . (only fill in if this applies)

YEAR 20 25
Structure ID 68-1686-0506 Location 445th Ave.
Type of project Replace culvert + clean ditch
Estimated Cost \$75,000 Expected Completion Year 25
If the structure has a load posting, the current posting is _____ . (only fill in if this applies)

YEAR 20 25
Structure ID 68-1634-0404 Location 295th St.
Type of project Replace culvert
Estimated Cost \$100,000 Expected Completion Year 25
If the structure has a load posting, the current posting is _____ . (only fill in if this applies)

YEAR 20 26
Structure ID 68-1686-0551 Location 445th Ave.
Type of project Replace with culvert
Estimated Cost \$50,000 Expected Completion Year 26
If the structure has a load posting, the current posting is _____ . (only fill in if this applies)

YEAR 20 26
Structure ID 68-1686-0506 Location 445th St.
Type of project Replace with culvert
Estimated Cost \$50,000 Expected Completion Year 26
If the structure has a load posting, the current posting is _____ . (only fill in if this applies)

Small Structure Improvement Plan for Rural Access Infrastructure Grant

A 5 year structure improvement plan is due by August 31st of each year.
The deadline for applications will be October 31st of each year.
Grants to be awarded by January 15th, the following year

Date Applied 8-28-23

Township Mayfield Contact Person/Title Kevin Huber - Supervisor
Address/ City/State/Zip 29286 449th Ave
Telephone: 605-661-2045 Email Kevin.ray.huber@yachw.com

Pursuant to 8-10-30, we have provided our townships annual report to the Yorkton County Auditor before the last day of March 2023 and retained a copy in the records of the township clerk. YES / NO

The township is eligible for funds based upon the following criteria. Check all that apply.

Impose a Property Tax Levy of 50 cents per thousand 10-12-28.2

Impose a tax levy opt out pursuant to 10-13-36 Structure is on a full maintenance road

Website for your map and inventory list: sdtownships.com -- then -- map and inventory access click here

The follow requirements are attached on a separate sheet of paper. Check all that applying

A map showing the location of all small structures within the township Mayfield

A print out from the DOT database identifying structure location, width, length, condition, load posting

The following list identifies the structures to be proposed for replacement over the next 5 years. As one cannot accurately plan for disasters, this list is subject to modifications as situations present itself.

YEAR 2024
Structure ID 1309⁰⁰³¹₀₀₃₂₀₀₃₃₀₀₃₄ Location 441st Ave
Type of project Replace culverts
Estimated Cost 93,100.00 Expected Completion Year 2024

If the structure has a load posting, the current posting is _____ . (only fill in if this applies)

YEAR 2024
Structure ID 68-1681-0504 Location 296th st
Type of project Replace culvert clean ditch
Estimated Cost 25,000 Expected Completion Year 2024

If the structure has a load posting, the current posting is _____ . (only fill in if this applies)

YEAR 20 26

Structure ID 68-2208-0547 Location 2750' north of 297th - 450th Avenue

Type of project Remove old concrete bridge Replace with 2 - 48" x 30' culvert

Estimated Cost 11,000 Expected Completion Year 26

If the structure has a load posting, the current posting is _____ . (only fill in if this applies)

YEAR 20 27

Structure ID 68-2179-0201 Location 1350' west of 293rd - 447th Avenue

Type of project Remove old culvert and replace with 8" x 80' culvert

Estimated Cost 17,500 Expected Completion Year 27

If the structure has a load posting, the current posting is _____ . (only fill in if this applies)

YEAR 20 _____

Structure ID _____ Location _____

Type of project _____

Estimated Cost _____ Expected Completion Year _____

If the structure has a load posting, the current posting is _____ . (only fill in if this applies)

YEAR 20 _____

Structure ID _____ Location _____

Type of project _____

Estimated Cost _____ Expected Completion Year _____

If the structure has a load posting, the current posting is _____ . (only fill in if this applies)

YEAR 20 _____

Structure ID _____ Location _____

Type of project _____

Estimated Cost _____ Expected Completion Year _____

If the structure has a load posting, the current posting is _____ . (only fill in if this applies)

YEAR 20 _____

Structure ID _____ Location _____

Type of project _____

Estimated Cost _____ Expected Completion Year _____

If the structure has a load posting, the current posting is _____ . (only fill in if this applies)

Application for Rural Access Infrastructure Grant

The deadline for applications will be October 31st of each year.

A 5 year structure improvement plan is due by August 31st of each year.

Grants to be awarded by January 15th, the following year

Date Applied 10-30-22

****Funding is subject to approval by the Highway Supt and County Commission, with payment after project completion.**

Township Mayfield Contact Person/ Title Kevin Huber Supervisor

Address/ City /State /Zip 29286 44th Ave

Telephone: 605 661 3045 Email kevinrhuber@yahoo.com

Structure ID from Inventory Database: 1309⁰⁰³¹₀₀₃₂₀₀₃₃

Describe location of project: 441st Ave Between 291-292

Describe issue or reason for request: culvert not through

Safety/emergency implications: _____

Proposed solution: replace

Number of County Residents Affected: 4 Estimated Completion Date: 2024

One time Problem Re-occurring Problem If re-occurring, how can this problem be resolved?

What is the size of the culvert or structure being replaced? 4x45' x 72"

What is the size of the proposed new culvert or structure? 4x45' x 72"

What, if any, engineering costs are anticipated? NA

Additional permitting may be required if the replacement is different than the original structure.

Total Project Cost: 93,100 Township Proposed Contribution: 18,600 Grant Requested: 74,400

Please Attach the Bid Proposal/ Estimate from contractor with this application.

Submitted By:
Kevin Huber
Printed Name

[Signature]
Signature

10-30-22
Date

Application for Rural Access Infrastructure Grant

The deadline for applications will be October 31st of each year.
A 5 year structure improvement plan is due by August 31st of each year.
Grants to be awarded by January 15th, the following year

Date Applied 10-20-22

****Funding is subject to approval by the Highway Supt and County Commission, with payment after project completion.**

Township Maryland Contact Person/ Title Kevin Huber Supervisor

Address/ City /State /Zip 29286 444th Ave

Telephone: 605-661-3045 Email Kevin.huber@ychoo.com

Structure ID from Inventory Database: 68-1681-6504

Describe location of project: 296st 444-445

Describe issue or reason for request: culvert roof ships

Safety/emergency implications: car in on road

Proposed solution: replace culvert

Number of County Residents Affected: 4 Estimated Completion Date: 2024

One time Problem Re-occurring Problem If re-occurring, how can this problem be resolved?

What is the size of the culvert or structure being replaced? 50' 60"

What is the size of the proposed new culvert or structure? 50' 60"

What, if any, engineering costs are anticipated? _____

Additional permitting may be required if the replacement is different than the original structure.

Total Project Cost: 25,000 Township Proposed Contribution: 5,000 Grant Requested: 20,000

Please Attach the Bid Proposal/ Estimate from contractor with this application.

Submitted By:

Kevin Huber
Printed Name

[Signature]
Signature

10-20-22
Date

Customer:

Quotes are valid for 30 days from the creation date or upon contract expiration, whichever occurs first.

A Purchase Order (PO) or Letter of Intent (LOI) including the below information is required to proceed with this sale. The PO or LOI will be returned if information is missing.

- Vendor: Deere & Company
 2000 John Deere Run
Cary, NC 27513
- Signature on all LOIs and POs with a signature line
- Contract name or number; or JD Quote ID
- Sold to street address
- Ship to street address (no PO box)
- Bill to contact name and phone number
- Bill to address
- Bill to email address (required to send the invoice and/or to obtain the tax exemption certificate)
- Membership number if required by the contract

For any questions, please contact:**Pravecek Jeff**

C & B Operations, LLC
2200 E Highway 50
Yankton, SD 57078

Tel: 605-665-3762

Mobile Phone: 605-661-1890

Fax: 605-665-0809

Email: pravecekj@cbequipment.com

Quotes of equipment offered through contracts between Deere & Company, its divisions and subsidiaries (collectively "Deere") and government agencies are subject to audit and access by Deere's Strategic Accounts Business Division to ensure compliance with the terms and conditions of the contracts.

ALL PURCHASE ORDERS MUST BE MADE OUT TO (VENDOR):

Deere & Company
 2000 John Deere Run
 Cary, NC 27513
 FED ID: 36-2382580
 UEID: FNSWEDARMK53

ALL PURCHASE ORDERS MUST BE SENT TO DELIVERING DEALER:

C & B Operations, LLC
 2200 E Highway 50
 Yankton, SD 57078
 605-665-3762
 neworders@deerequipment.com

Quote Summary

Prepared For:

YANKTON COUNTY HIGHWAY DEPT
 3302 W CITY LIMITS RD
 YANKTON, SD 57078
 Home : 605-260-4473
 Business: 605-260-4473

Delivering Dealer:

C & B Operations, LLC
 Pravecck Jeff
 2200 E Highway 50
 Yankton, SD 57078
 Phone: 605-665-3762
 Mobile: 605-661-1890
 pravecckj@cbequipment.com

Quote ID: 30005519
Created On: 27 November 2023
Last Modified On: 27 November 2023
Expiration Date: 30 November 2023

Equipment Summary	Selling Price	Qty	Extended
JOHN DEERE 6130M Cab Tractor	\$ 139,256.12 X	1 =	\$ 139,256.12
Contract: Sourcewell Ag Tractors 082923-DAC (PG 1P CG 70)			
Price Effective Date: November 26, 2023			
Equipment Total			\$ 139,256.12

* Includes Fees and Non-contract items

Quote Summary

Equipment Total	\$ 139,256.12
Trade In	
SubTotal	\$ 139,256.12
Est. Service Agreement Tax	\$ 0.00
Total	\$ 139,256.12
Down Payment	(0.00)
Rental Applied	(0.00)
Balance Due	\$ 139,256.12

Salesperson : X _____

Accepted By : X _____

Selling Equipment

Quote Id: 30005519 **Customer Name:** YANKTON COUNTY HIGHWAY DEPT

ALL PURCHASE ORDERS MUST BE MADE OUT TO (VENDOR):

Deere & Company
 2000 John Deere Run
 Cary, NC 27513
 FED ID: 36-2382580
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 Yankton, SD 57078
 605-665-3762
 neworders@deerequipment.com

JOHN DEERE 6130M Cab Tractor

Hours:

Stock Number:

Contract: Sourcewell Ag Tractors 082923-DAC (PG 1P CG 70)

Selling Price *
 \$ 139,256.12

Price Effective Date: November 26, 2023

* Price per item - includes Fees and Non-contract items

Code	Description	Qty	List Price	Discount%	Discount Amount	Contract Price	Extended Contract Price
00R7L	6130M Cab Tractor	1	\$ 161,566.00	24.00	\$ 38,775.84	\$ 122,790.16	\$ 122,790.16
Standard Options - Per Unit							
183E	JDLink™ Modem	1	\$ 0.00	24.00	\$ 0.00	\$ 0.00	\$ 0.00
185A	Less Subscription	1	\$ 0.00	24.00	\$ 0.00	\$ 0.00	\$ 0.00
0202	United States	1	\$ 0.00	24.00	\$ 0.00	\$ 0.00	\$ 0.00
0409	English	1	\$ 0.00	24.00	\$ 0.00	\$ 0.00	\$ 0.00
0501	No package	1	\$ 0.00	24.00	\$ 0.00	\$ 0.00	\$ 0.00
874B	Alternator 14 V/210 A	1	\$ 415.00	24.00	\$ 99.60	\$ 315.40	\$ 315.40
878B	Battery Circuit Breaker	1	\$ 220.00	24.00	\$ 52.80	\$ 167.20	\$ 167.20
1436	PowrQuad™ PLUS 24F/24R - 40 km/h	1	\$ 0.00	24.00	\$ 0.00	\$ 0.00	\$ 0.00
1755	No ISOBUS Ready / GreenStar™ Ready	1	\$ 0.00	24.00	\$ 0.00	\$ 0.00	\$ 0.00
1950	Less Application	1	\$ 0.00	24.00	\$ 0.00	\$ 0.00	\$ 0.00
2084	6M Cab - Economy Cab with RH Console	1	\$ 2,915.00	24.00	\$ 699.60	\$ 2,215.40	\$ 2,215.40
2142	Standard Seat	1	\$ 0.00	24.00	\$ 0.00	\$ 0.00	\$ 0.00
2511	Mirrors - Manual Telescopic	1	\$ 0.00	24.00	\$ 0.00	\$ 0.00	\$ 0.00
2664	Premium Radio	1	\$ 828.00	24.00	\$ 198.72	\$ 629.28	\$ 629.28
3223	Hydraulic Pump - 114 l/min	1	\$ 2,534.00	24.00	\$ 608.16	\$ 1,925.84	\$ 1,925.84
3338	3 Mechanical SCVs (3 SCVs 450 Series)	1	\$ 1,461.00	24.00	\$ 350.64	\$ 1,110.36	\$ 1,110.36
3820	Rear PTO - 540/1000 rpm	1	\$ 0.00	24.00	\$ 0.00	\$ 0.00	\$ 0.00
4120	Draft Links with Telescopic Ball End - Category 2	1	\$ 0.00	24.00	\$ 0.00	\$ 0.00	\$ 0.00
4210	Center Link with Ball End - Category 2	1	\$ 0.00	24.00	\$ 0.00	\$ 0.00	\$ 0.00

Selling Equipment

Quote Id: 30005519 **Customer Name:** YANKTON COUNTY HIGHWAY DEPT

ALL PURCHASE ORDERS MUST BE MADE OUT TO (VENDOR):

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 Cary, NC 27513
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4410	Sway Blocks	1	\$ 0.00	24.00	\$ 0.00	\$ 0.00	\$ 0.00
5010	Flange-Type Rear Axle	1	\$ 0.00	24.00	\$ 0.00	\$ 0.00	\$ 0.00
5090	Adjustable Steel Wheels (Steel Disk)	1	\$ 0.00	24.00	\$ 0.00	\$ 0.00	\$ 0.00
5212	Rear Wheels 460/85R34	1	\$ 0.00	24.00	\$ 0.00	\$ 0.00	\$ 0.00
5999	Rear and Front Tire Brand - No preference	1	\$ 0.00	24.00	\$ 0.00	\$ 0.00	\$ 0.00
6045	4WD Front Axle - Unsuspending	1	\$ 0.00	24.00	\$ 0.00	\$ 0.00	\$ 0.00
6092	Adjustable Steel Wheels	1	\$ 0.00	24.00	\$ 0.00	\$ 0.00	\$ 0.00
6220	Front Wheels 380/85R24	1	\$ 0.00	24.00	\$ 0.00	\$ 0.00	\$ 0.00
7702	Shipment Preparation - by Ship Overseas	1	\$ 0.00	24.00	\$ 0.00	\$ 0.00	\$ 0.00
8002	Toolbox	1	\$ 119.00	24.00	\$ 28.56	\$ 90.44	\$ 90.44
8012	Front Fenders 4WD - Turnable	1	\$ 1,315.00	24.00	\$ 315.60	\$ 999.40	\$ 999.40
8020	Rear Fender Extensions - Adjusted to Tire Size	1	\$ 964.00	24.00	\$ 231.36	\$ 732.64	\$ 732.64
8264	Cooling Compartment	1	\$ 836.00	24.00	\$ 200.64	\$ 635.36	\$ 635.36
8300	Cold Start Package I	1	\$ 481.00	24.00	\$ 115.44	\$ 365.56	\$ 365.56
8307	Fuel Tank Bottom Guard	1	\$ 624.00	24.00	\$ 149.76	\$ 474.24	\$ 474.24
8380	Preparation for Front Auxiliary Drive	1	\$ 899.00	24.00	\$ 215.76	\$ 683.24	\$ 683.24
8706	Light Package - Premium	1	\$ 5,626.00	24.00	\$ 1,350.24	\$ 4,275.76	\$ 4,275.76
8726	Dual Beacon Lights	1	\$ 608.00	24.00	\$ 145.92	\$ 462.08	\$ 462.08
8747	Battery 12 V/174 AH	1	\$ 176.00	24.00	\$ 42.24	\$ 133.76	\$ 133.76
Standard Options Total			\$ 20,021.00		\$ 4,805.04	\$ 15,215.96	\$ 15,215.96
Technology Options/Non-Contract/Open Market							
1801	No AutoTrac™ Package	1	\$ 0.00	24.00	\$ 0.00	\$ 0.00	\$ 0.00
1880	Less Receiver	1	\$ 0.00	24.00	\$ 0.00	\$ 0.00	\$ 0.00
1900	Less Display	1	\$ 0.00	24.00	\$ 0.00	\$ 0.00	\$ 0.00
Technology Options Total			\$ 0.00		\$ 0.00	\$ 0.00	\$ 0.00
Value Added Services Total			\$ 0.00			\$ 0.00	\$ 0.00
Other Charges							
	Customer Setup	1	\$ 1,250.00			\$ 1,250.00	\$ 1,250.00
			\$ 1,250.00			\$ 1,250.00	\$ 1,250.00



Selling Equipment

Quote Id: 30005519 Customer Name: YANKTON COUNTY HIGHWAY DEPT

ALL PURCHASE ORDERS MUST BE MADE OUT TO (VENDOR):

Deere & Company
2000 John Deere Run
Cary, NC 27513
FED ID: 36-2382580
UEID: FNSWEDARMK53

ALL PURCHASE ORDERS MUST BE SENT TO DELIVERING DEALER:

C & B Operations, LLC
2200 E Highway 50
Yankton, SD 57078
605-665-3762
neworders@deerequipment.com

Suggested Price		\$ 139,256.12	
Total Selling Price	\$	\$ 43,580.88	\$
	182,837.00	139,256.12	139,256.12



Bill To Name YANKTON COUNTY (SD)
 Bill To 3302 W CITY LIMITS ROAD
 YANKTON, SD 57078
 United States
 Date 11/16/2023

Ship To Name County to pick tractor and mower up in Sioux Falls SD
 Ship To , SD
 United States
 Contact Name Mike Sedlacek
 Primary Phone (605) 260-4473
 Email mikes@co.yankton.sd.us

Quantity	Product Code	Product	List Price	Sales Price	Total Price
1.00	DDR120-CO	60" Side and 60" Rear Mower with Combo Lift - includes rear rubber deflector, front chain guard on the rear mower only, hydraulic cooling package, and electric dual travel lock	57,298.00	45,838.00	45,838.00
1.00	48-0005	Factory Authorized Mounting - Side & Rear Rotary Mowers	9,272.00	6,027.00	6,027.00

Total Price 51,865.00
 Grand Total 51,865.00

*Year 2024
 *Tractor Make John Deere
 *Tractor Model 6130M
 *2WD / 4WD 4WD

Lead Time 33-35 Weeks
 *Front Tire Size 380/85R24
 *Rear Tire Size 460/85R34
 *Wheels 8 Position Adjustable Wheels
 Contract Name Sourcewell 070821DMM

Prepared By Paul Schreurs
 Phone (605) 929-3083
 Email pschreurs@diamondmowers.com
 OP OP040157
 Quote Number 00044417

DIAMOND MOWERS, LLC
 350 E. 60th Street N
 Sioux Falls, SD 57104
 (605) 977-3300 ph | (605) 655-5870 fx
www.diamondmowers.com

Freight may vary. Invoiced at market rate at time of shipment.

Yankton County Medical Marijuana License Application

Pursuant to SDCL 1-27-1 the medical marijuana application is a public record however, the addendums and the attachments disclose personal identifying information on security requirements of section SDCL 1-27-1.5
The application will not be considered for approval until the application is complete and all attachments and requested information is furnished to the Auditor's office.

New License Renewal Transfer

Indicate the type of medical cannabis establishment license(s) being applied for

Cultivation Facility

Cannabis Product Manufacturing Facility

Cannabis Testing Facility

Cannabis Dispensary

A. Owner Name and Address

Name: MICHAEL BARKL		Phone: 605-521-6526	
Address: 29710 US Hwy 81	City: Irene	State: SD	Zip: 57037
Has the applicant ever been convicted of a felony?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Applicant has included a \$5,000 payment via check or money order for each license being applied for.		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Applicant hereby certifies that the employees of the prospective medical cannabis establishment are over the age of 21.		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

B. Legal Business Name and Address

Name: A 22, LLC		Phone: 605-521-6526	
Address: 29710 US Hwy 81	City: Irene	State: SD	Zip: 57037
State Sales Tax Number:			
Does applicant own or lease this property?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Are real estate taxes paid to date?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Is the place of business located in a municipality?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

C. Legal Description of Licensed Premises

W 12 Rods of the N 34 Pals, except lots H1, H2, H3, + H4 of the NW 1/4 of the NW 1/4 of the section 6 - Township 95 N, Range 55 West of the 5th.

Has this been verified as a location in Yankton County by Planning and Zoning that a medical cannabis establishment is permitted by ordinances?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is Yankton County Planning and Zoning Verification Attached?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Yankton County Medical Marijuana License Application

Pursuant to SDCL 1-27-1 the medical marijuana application is a public record however, the addendums and the attachments disclose personal identifying information on security requirements of section SDCL 1-27-1.5
The application will not be considered for approval until the application is complete and all attachments and requested information is furnished to the Auditor's office.

New License Renewal Transfer

<p>Indicate the type of medical cannabis establishment license(s) being applied for</p> <p><input checked="" type="checkbox"/> Cultivation Facility</p> <p><input checked="" type="checkbox"/> Cannabis Product Manufacturing Facility</p> <p><input type="checkbox"/> Cannabis Testing Facility</p> <p><input checked="" type="checkbox"/> Cannabis Dispensary</p>

A. Owner Name and Address

Name: <i>Happy Flower Healing</i>		Phone: <i>605-661-3795</i>	
<i>Amanda Johnson</i>			
Address: <i>3302 E Hwy 50</i>	City: <i>Yankton</i>	State: <i>SD</i>	Zip: <i>57078</i>
Has the applicant ever been convicted of a felony?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Applicant has included a \$5,000 payment via check or money order for each license being applied for.		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Applicant hereby certifies that the employees of the prospective medical cannabis establishment are over the age of 21.		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

B. Legal Business Name and Address

Name: <i>Happy Flower Healing</i>		Phone: <i>605-661-3795</i>	
<i>Happy Flower Healing</i>			
Address: <i>3302 E Hwy 50</i>	City: <i>Yankton</i>	State: <i>SD</i>	Zip: <i>57078</i>
State Sales Tax Number:			
Does applicant own or lease this property?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Are real estate taxes paid to date?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Is the place of business located in a municipality?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

C. Legal Description of Licensed Premises

<p style="font-size: 1.2em; color: blue;"><i>See Attached Deed</i></p>

Has this been verified as a location in Yankton County by Planning and Zoning that a medical cannabis establishment is permitted by ordinances?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is Yankton County Planning and Zoning Verification Attached?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Yankton County

Medical Marijuana License Application

Pursuant to SDCL 1-27-1 the medical marijuana application is a public record however, the addendums and the attachments disclose personal identifying information on security requirements of section SDCL 1-27-1.5
 The application will not be considered for approval until the application is complete and all attachments and requested information is furnished to the Auditor's office.

New License Renewal Transfer

Indicate the type of medical cannabis establishment license(s) being applied for	
<input checked="" type="checkbox"/> Cultivation Facility	
<input checked="" type="checkbox"/> Cannabis Product Manufacturing Facility	
<input type="checkbox"/> Cannabis Testing Facility	
<input checked="" type="checkbox"/> Cannabis Dispensary	

A. Owner Name and Address

Name: <i>Nick Staudelmaier</i>		Phone: <i>402-992-0766</i>	
Address: <i>702 N. 19th st.</i>	City: <i>Yankton</i>	State: <i>NE</i>	Zip: <i>68701</i>
Has the applicant ever been convicted of a felony?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Applicant has included a \$5,000 payment via check or money order for each license being applied for.		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Applicant hereby certifies that the employees of the prospective medical cannabis establishment are over the age of 21.		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

B. Legal Business Name and Address

Name: <i>CC Smoke LLC</i>		Phone: <i>402-992-0766</i>	
Address: <i>1112 E Side dr</i>	City: <i>Yankton</i>	State: <i>SD</i>	Zip: <i>57078</i>
State Sales Tax Number: _____			
Does applicant own or lease this property? <i>OWN</i>		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Are real estate taxes paid to date?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Is the place of business located in a municipality?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

C. Legal Description of Licensed Premises

<i>Sec - TVP - R2G; 18-93-55 Blk. 4 Exc Lots 34 Sunrise Addition.</i>	
-----------------------------------------------------------------------------------------------------------------	--

Has this been verified as a location in Yankton County by Planning and Zoning that a medical cannabis establishment is permitted by ordinances?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is Yankton County Planning and Zoning Verification Attached?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Yankton County Medical Marijuana License Application

Pursuant to SDCL 1-27-1 the medical marijuana application is a public record however, the addendums and the attachments disclose personal identifying information on security requirements of section SDCL 1-27-1.5
The application will not be considered for approval until the application is complete and all attachments and requested information is furnished to the Auditor's office.

New License Renewal Transfer

<p>Indicate the type of medical cannabis establishment license(s) being applied for</p> <p><input checked="" type="checkbox"/> Cultivation Facility</p> <p><input type="checkbox"/> Cannabis Product Manufacturing Facility</p> <p><input type="checkbox"/> Cannabis Testing Facility</p> <p><input type="checkbox"/> Cannabis Dispensary</p>

A. Owner Name and Address

Name: <i>Nathan Eastman</i>		Phone: <i>605-660-2418</i>	
Address: <i>30991 434th Ave.</i>	City: <i>Yankton</i>	State: <i>SD</i>	Zip: <i>57078</i>
Has the applicant ever been convicted of a felony?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Applicant has included a \$5,000 payment via check or money order for each license being applied for.		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Applicant hereby certifies that the employees of the prospective medical cannabis establishment are over the age of 21.		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

B. Legal Business Name and Address

Name: <i>RiverBend Edge LLC</i>		Phone: <i>605-660-2418</i>	
Address: <i>3300 W. 8th St.</i>	City: <i>Yankton</i>	State: <i>SD</i>	Zip: <i>57078</i>
State Sales Tax Number: <i>-ST</i>			
Does applicant own or lease this property?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Are real estate taxes paid to date?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Is the place of business located in a municipality?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

C. Legal Description of Licensed Premises

<p><i>5900' W 330' parcel A NE4 EXC LT H-2 3300 W. 8th St. STE # 2 Yankton, SD 57078</i></p>

Has this been verified as a location in Yankton County by Planning and Zoning that a medical cannabis establishment is permitted by ordinances?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is Yankton County Planning and Zoning Verification Attached?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Yankton County Medical Marijuana License Application

Pursuant to SDCL 1-27-1 the medical marijuana application is a public record however, the addendums and the attachments disclose personal identifying information on security requirements of section SDCL 1-27-1.5
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New License Renewal Transfer

Indicate the type of medical cannabis establishment license(s) being applied for

Cultivation Facility

Cannabis Product Manufacturing Facility

Cannabis Testing Facility

Cannabis Dispensary

A. Owner Name and Address

Name: Roy Nielsen, III		Phone: (712) 441-1441	
Address: 4900 S Oxbow Ave Apt. 101	City: Sioux Falls	State: SD	Zip 57106
Has the applicant ever been convicted of a felony?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Applicant has included a \$5,000 payment via check or money order for each license being applied for.		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Applicant hereby certifies that the employees of the prospective medical cannabis establishment are over the age of 21.		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

B. Legal Business Name and Address

Name: Royzzz of Gavins Point, LLC		Phone: 605-689-0219	
Address: 4200 W 8th St	City: Yankton	State: SD	Zip 57078
State Sales Tax Number: 			
Does applicant own or lease this property?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Are real estate taxes paid to date?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Is the place of business located in a municipality?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

C. Legal Description of Licensed Premises

North One Hundred Fifty-Seven Feet (N 157') of Lewis and Clark Business Center, except Lots One (1), Two (2), Three (3), Twenty (20), Twenty-one (21), and Twenty-two (22) thereof, Yankton County, South Dakota, less highways and roads, as per survey recorded in Book S18, Page 294 and in Survey recorded Book S19, Page 170.

Has this been verified as a location in Yankton County by Planning and Zoning that a medical cannabis establishment is permitted by ordinances?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is Yankton County Planning and Zoning Verification Attached?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Yankton County Medical Marijuana License Application

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The application will not be considered for approval until the application is complete and all attachments and requested information is furnished to the Auditor's office.

New License Renewal Transfer

Indicate the type of medical cannabis establishment license(s) being applied for

- Cultivation Facility
- Cannabis Product Manufacturing Facility
- Cannabis Testing Facility
- Cannabis Dispensary

A. Owner Name and Address

Name: Roy Nielsen, III		Phone: (712) 441-1441	
Address: 4900 S Oxbow Ave Apt. 101	City: Sioux Falls	State: SD	Zip 57106
Has the applicant ever been convicted of a felony?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Applicant has included a \$5,000 payment via check or money order for each license being applied for.		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Applicant hereby certifies that the employees of the prospective medical cannabis establishment are over the age of 21.		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

B. Legal Business Name and Address

Name: Royzzz Growzzz of Yankton, LLC		Phone: 605-689-0219	
Address: 4200 W 8th St	City: Yankton	State: SD	Zip 57078
State Sales Tax Number:			
Does applicant own or lease this property?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Are real estate taxes paid to date?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Is the place of business located in a municipality?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

C. Legal Description of Licensed Premises

<p>North One Hundred Fifty-Seven Feet (N 157') of Lewis and Clark Business Center, except Lots One (1), Two (2), Three (3), Twenty (20), Twenty-one (21), and Twenty-two (22) thereof, Yankton County, South Dakota, less highways and roads, as per survey recorded in Book S18, Page 294, and in survey recorded in Book S19, Page 170.</p>

<p>Has this been verified as a location in Yankton County by Planning and Zoning that a medical cannabis establishment is permitted by ordinances?</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>Is Yankton County Planning and Zoning Verification Attached?</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

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: **(Amended June 21, 2022)**

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. 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. **(Amended May 19, 2020)**

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.

Agribusiness – A business which directly supports the agricultural industry, such as suppliers of feed, seed, chemicals, fertilizer, farm equipment, and equipment parts, farm equipment repair services, veterinary services, drain tile installers, and commercial grain elevators. **(Amended August 19, 2021)**

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, soybean processing facilities, cheese plants, milk processors, packing plants and rendering facilities.

Agrivoltaics: The use of land for both agriculture (crop production, livestock grazing and pollinator habitat) and solar photovoltaic energy generation. This is located underneath solar panels and/or between rows of solar panels.

Aggrieved Person - A person aggrieved is any person directly interested in the outcome of and aggrieved by a decision or action or failure to act regarding a zoning decision thus: **(Amended August 19, 2021)**

1. Establishes that the person suffered an injury, an invasion of a legally protected interest that is both concrete and particularized, and actual or imminent, not conjectural or hypothetical;
2. Shows that a causal connection exists between the person's injury and the conduct of which the person complains. The causal connection is satisfied if the injury is fairly traceable to the challenged action, and not the result of the independent action of any third party not before the court; (3) Shows it is likely, and not merely speculative, that the injury will be redressed by a favorable decision, and; (4) Shows that the injury is unique or different from those injuries suffered by the public in general.

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 200 or greater animal units, excluding aquaculture, 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. **(Amended August 19, 2021)**

For the purposes of these regulations, Animal Feeding Operations are divided into the following classes:

Class	Animal Units
Class A	<u>500 - 10,000</u>
Class B	<u>200 – 499</u>

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 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. **(Amended May 19, 2020)**

Animal Units - A unit of measure for livestock equated as follows; one head is equivalent to animal units: **(Amended August 19, 2021)**

Cow, feeder, or slaughter beef animal, including cow/calf pairs	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, goats	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 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.

Bona fide practitioner-patient relationship” means: **(Amended November 4, 2021)**

- a. A practitioner and patient have a treatment or consulting relationship, during course of which the practitioner has completed an assessment of the patient’s medical history and current medical condition, including an appropriate in-person physical examination;
- b. The practitioner has consulted with the patient with respect to the patient’s debilitating medical condition; and
- c. The practitioner is available to or offers to provide follow-up care and treatment to the patient, including patient examinations;

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 Permit - A type of authorization that must be granted by a government or other regulatory body before the construction of a new or expansion of existing building can legally occur. **(Amended August 19, 2021)**

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.

Cannabis (or Marijuana): all parts of any plant of the genus cannabis, whether growing or not; the seeds thereof; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds. The term does not include fiber produced from the mature stalks of the plant, or oil or cake made from the seeds of the plant, or the resin when extracted from any part of the plant or cannabidiol in a drug product approved by the United States Food and Drug Administration. The term does not include the plant Cannabis sativa L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent on a dry weight basis. **(Amended October 21, 2021)**

Cannabis, Allowable amount: **(Amended November 4, 2021)**

- a. Three ounces of cannabis or less;
- b. A quantity of cannabis products with an equivalent cannabis weight as established by rules promulgated by the department under § 34-20G-72;
- d. If the cardholder has a registry identification card allowing cultivation, three cannabis plants minimum or as prescribed by physician; and
- e. If the cardholder has a registry identification card allowing cultivation, the amount of cannabis and cannabis products that were produced from the cardholder's allowable plants, if the cannabis and cannabis products are possessed at the same property where the plants were cultivated;

Cannabis Cultivation Facility: a legally licensed entity that acquires, possesses, cultivates, delivers, transfers, transports, supplies, or sells cannabis and related supplies to a cannabis establishment. **(Amended October 21, 2021)**

Cannabis Dispensary: a legally licensed entity that acquires, possesses, stores, delivers, transfers, transports, sells, supplies, or dispenses cannabis, cannabis products, paraphernalia, or related supplies and educational materials. **(Amended October 21, 2021)**

Cannabis Establishment: a cannabis cultivation facility, a cannabis testing facility, a cannabis product manufacturing facility, or a cannabis dispensary. **(Amended October 21, 2021)**

Cannabis Establishment, Non-licensed: an entity which would otherwise meet the definition of a cannabis establishment but which is not legally licensed. **(Amended October 21, 2021)**

Cannabis product- any concentrated cannabis, cannabis extracts, and products that are infused with cannabis or an extract thereof, and are intended for use or consumption by humans. The term includes edible cannabis products, beverages, topical products, ointments, oils and tinctures. **(Amended November 4, 2021)**

Cannabis Product Manufacturing Facility: a legally licensed entity that acquires, possesses, manufactures, delivers, transfers, transports, supplies, or sells cannabis products to a cannabis dispensary. **(Amended October 21, 2021)**

Cannabis Testing Facility: a legally licensed entity legally authorized to analyze the safety and potency of cannabis. **(Amended October 21, 2021)**

Cardholder - a qualifying patient or a designated caregiver who has been issued and possesses a valid registry identification card **(Amended November 4, 2021)**

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.

Common Wall - A wall common to but dividing contiguous buildings; such a wall contains no openings and extends from its footing below the finished ground grade to the height of the exterior surface of the roof **(Amended October 18, 2022)**

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.

Commissioners - the Yankton County Board of County Commissioners (**Amended November 4, 2021**)

Concentrated Animal Feeding Operation (CAFO): An animal feeding operation that is previously defined meets one or more of the following criteria: (**Amended August 19, 2021**)

1. Contains at least 500 animal units
2. Utilizes a Liquid Manure System (see definitions)
3. Utilizes environmentally controlled housing where the animals are contained in a thermostatically controlled environment
4. Discharges pollutants into waters of the state through man-made ditch, flushing system, or other similar man-made device
5. Discharges pollutants directly into waters of the state which originate outside of and pass over, across, or through the facility or otherwise come into direct contact with the animals confined in operation

Concentrated Animal Feeding Operation (CAFO) Existing: Concentrated animal feeding operations in existence prior to the effective date of this ordinance or any subsequent amendment of applicable Articles or Sections. (**Amended August 19, 2021**)

Concentrating Solar Thermal Devices (CST's): CST technologies use mirrors to reflect and concentrate sunlight onto a receiver. The energy from the concentrated sunlight heats a high temperature fluid in the receiver.

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.

Cultivation facility - an entity registered with the department pursuant to this chapter that acquires, possesses, cultivates, delivers, transfers, transports, supplies, or sells cannabis and related supplies to a medical cannabis establishment. **(Amended November 4, 2021)**

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.

Debilitating medical condition – (Amended November 4, 2021)

- a. chronic or debilitating disease or medical condition or its treatment that produces one or more of the following: cachexia or wasting syndrome; severe, debilitating pain; severe nausea; seizures; or severe and persistent muscle spasms, including those characteristic of multiple sclerosis; or
- b. Any other medical condition or its treatment added by the department, as provided for in SDCL 34-20G-26;

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.

Department - the Department of Health (Amended November 4, 2021)

Designated caregiver - a person who: (Amended November 4, 2021)

- a. Is at least twenty-one (21) years of age;
- b. Has agreed to assist with a qualifying patient’s medical use of cannabis;
- c. Has not been convicted of a disqualifying felony offense; and
- d. Assists no more than five (5) qualifying patients with the medical use of cannabis, unless the designated caregivers’ qualifying patients each reside in or are admitted to a health care facility or residential care facility where the designated caregiver is employed

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.

Disqualifying felony offense - a violent crime that was classified as a felony in the jurisdiction where the person was convicted. (Amended November 4, 2021)

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.

Edible cannabis products - any product that: **(Amended November 4, 2021)**

- a. Contains or is infused with cannabis or an extract thereof;

- b. Is intended for human consumption by oral ingestion; and
- c. Is presented in the form of foodstuffs, beverages, extracts, oils, tinctures, or other similar products;

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

Enclosed, locked facility - any closet, room, greenhouse, building, or other enclosed area that is equipped with locks or other security devices that permit access only by a cardholder or a person allowed to cultivate the plants. Two or more cardholders who reside in the same dwelling may share one enclosed, locked facility for cultivation. **(Amended November 4, 2021)**

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, as described per Article 1 Section 103 Jurisdiction.~~

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. **(Amended July 20, 2021)**

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 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. **(Amended August 19, 2021)**

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 516. **(Amended August 19, 2021)**

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 (135) 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.

Main Building – A building in which is conducted the primary or predominant use of the lot on which it is located. **(Added June 21, 2022)**

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.

Manure System Definitions: (Amended August 19, 2021)

1. Solid Manure System – Any style of manure not conforming to the definition of “Liquid Manure”. Example systems include floor-raised poultry, deep-bedded housing systems, and dry lots. Vast majority (>90%) of excreted manure will be maintained in form that can be handled with a front-end loader and stacked without seepage under normal operating conditions. Example systems include floor-raised poultry, deep-bedded housing systems, and drylots
2. Liquid Manure System – Vast majority (>90%) of excreted manure will be stored in a form that – with or without agitation/mixing – can be handled with a common centrifugal pump under normal operating conditions. Example systems include slatted floor facilities and facilities where manure can be transferred via gravity.

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.

Medical use - includes the acquisition, administration, cultivation, manufacture, delivery, harvest, possession, preparation, transfer, transportation, or use of cannabis or paraphernalia relating to the administration of cannabis to treat or alleviate a registered qualifying patient’s debilitating medical condition or symptom associated with the patient’s debilitating medical condition. The term does not include: **(Amended November 4, 2021)**

- a. The cultivation of cannabis by a nonresident cardholder;
- b. The cultivation of cannabis by a cardholder who is not designated as being allowed to cultivate on the card holder’s registry identification card; or
- c. The extraction of resin from cannabis by solvent extraction unless the extraction is done by a cannabis product manufacturing facility

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. **(Amended May 19, 2020)**

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.

Nonresident cardholder - a person who: **(Amended November 4, 2021)**

- a. Has been diagnosed with a debilitating medical condition, or is the parent, guardian, conservator, or other person with authority to consent to the medical treatment of a person who has been diagnosed with a debilitating medical

- condition;
- b. Is not a resident of this state or who has been a resident of this state for fewer than forty-five (45) days;
 - c. Was issued a currently valid registry identification card or its equivalent by another state, district, territory, commonwealth, insular possession of the United States, or country recognized by the United States that allows the person to use cannabis for medical purposes in the jurisdiction of issuance; and.
 - d. Has submitted any documentation required by the department and has received confirmation of registration

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, Swine - A facility confining a specific number of small and/or young swine averaging ten (10) to fifty five (55) pounds in size. **(Amended August 19, 2021)**

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.

Permitted Special Use - A use allowed in a zoning district subject to the applicable restrictions of that zoning district and additionally subject to certain restrictions for that specific use. **(Amended August 19, 2021)**

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.

Place of worship - a structure where persons regularly assemble for worship, ceremonies, rituals, and education relating to a particular form of religious belief and which a reasonable person would conclude is a place of worship by reason of design, signs, or architectural or other features. **(Amended November 4, 2021)**

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.

Practitioner - a physician who is licensed with authority to prescribe drugs to humans. In relation to a nonresident cardholder, the term means a person who is licensed with authority to prescribe drugs to humans in the state of the patient's residence. **(Amended November 4, 2021)**

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.

Qualifying patient - a person who has been diagnosed by a practitioner as having a debilitation medical condition. **(Amended November 4, 2021)**

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.

Registry identification card - a document issued by the department that identifies a person as a registered qualifying patient or registered designated caregiver, or documentation that is deemed a registry identification card pursuant to SDCL 34-20G-29 to SDCL 34-20G-42 inclusive.

(Amended November 4, 2021)

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.

Shared Wall Structure – A structure that contains two (2) or more units that share common walls (known as party walls). Shared wall structures include: dwellings two family, dwellings multiple families, residential and commercial buildings. **(Amended October 18, 2022)**

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.

Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy Conversion Systems (SECS): Solar energy conversion systems are any combination of solar panels on a parcel of property.

Start of construction – includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or are not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building. **(Amended August 19, 2021)**

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.

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

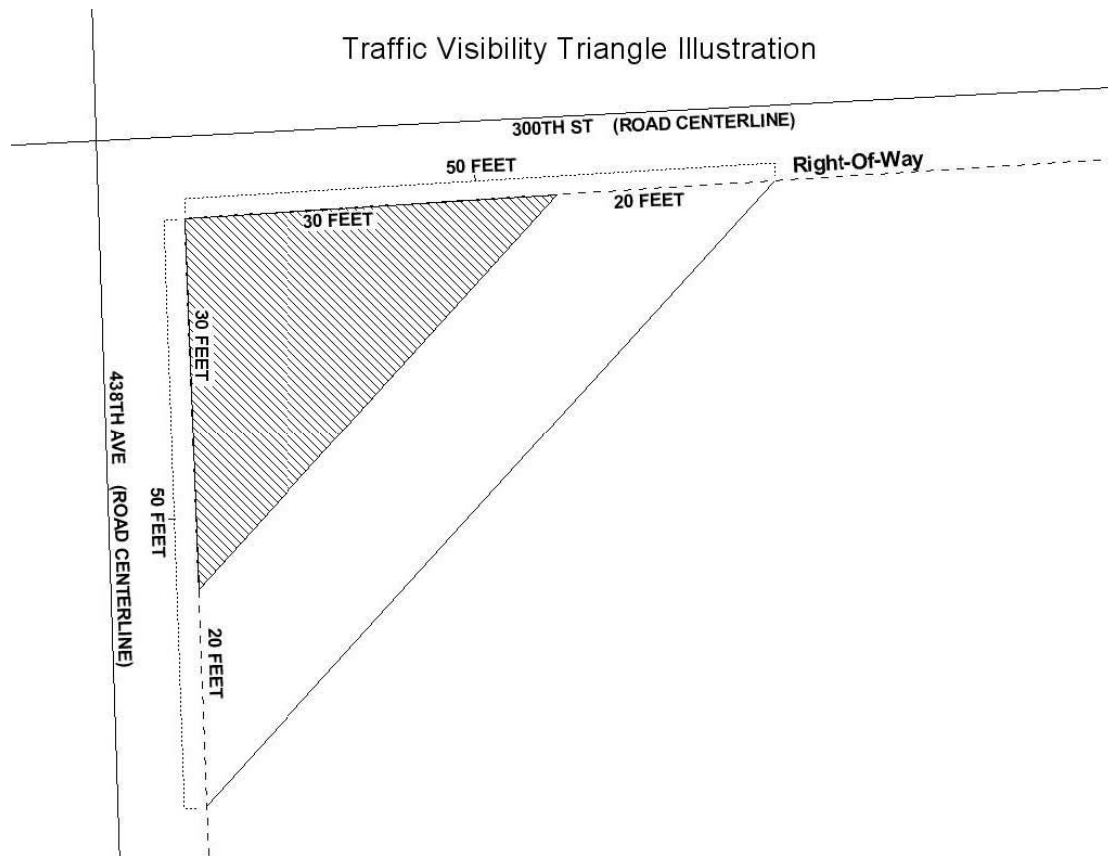
include portable concrete, processing, or asphalt plants, job site trailers, and areas for equipment parking, material storage or stockpiling. The term temporary shall be flexible yet is generally tied to a related construction project with defined start-up and completion times.

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. Marquardt's 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, a private citizen, 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. **(Amended August 19, 2021)**

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.

Written certification - a document dated and signed by a practitioner, stating that in the practitioner's professional opinion the patient is likely to receive therapeutic or palliative benefit from the medical use of cannabis to treat or alleviate the patient's debilitating medical condition or symptom associated with the debilitating medical condition. This document shall affirm that it is made in the course of a bona fide practitioner-patient relationship and shall specify the qualifying patient's debilitating medical condition. **(Amended November 4, 2021)**

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.

Zero Lot-Line – A common lot line on which a wall of a structure may be constructed.
(Amended October 18, 2022)

Zero Lot-Line Structure – A multi-family dwelling located on a single lot line that is (a) constructed as one (1) unit, (b) but is intended to be sold as separate sites and (c) otherwise meets all requirements of the zone in which it is located. **(Amended October 18, 2022)**

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.

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): **(Amended August 19, 2021)**

1. Agriculture;
2. Cemeteries;
3. Day cares, family;
4. Farms, ranches or orchards as defined herein;
5. Farm buildings;
6. Historic sites;
7. Horticulture;
8. Utility facilities;
9. Veterinary services;
10. Cannabis Cultivation Facility;
11. Cannabis Dispensary;
12. Cannabis Product Manufacturing Facility;
13. Cannabis Testing Facility; and
14. Solar Energy Conversion Systems (SECS) under 50 kilowatts alternating current (AC).

Section 505 Permitted Accessory Uses and Structures

The following accessory uses and structures shall be permitted in an Agricultural District (AG):
(Amended June 21, 2022)

1. Accessory 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;
16. Stock dams; and

Section 506 Permitted Special Uses (Amended August 19, 2021)

1. Dwellings, single family including modular homes pursuant to Section 516
2. Dwellings, two-family pursuant to Section 516
3. Dwellings, additional farm dwelling, in excess of one (1) pursuant to Section 516 and 1509;
4. Manufactured Homes, pursuant to Section 516 and 1509;
5. Animal Feeding Operations (AFOs) Class B pursuant to Section 519 (2) and Section 519 (3);

6. Concentrated Animal Feeding Operation, Existing are allowed a one-time expansion of 25 % over current operation size if the operation exists on an occupied farmstead of continuous property to the farmstead not to exceed 999 animal units. . The species of animals pertaining to the expansion must be that of the existing operation. Performance standards of Section 519 are applicable to the expansion with exception to the setbacks found in the *Facility Setback Chart* in Section 519(2). All DANR requirements must be met.
7. Agribusinesses are allowed on lots no smaller than five (5) acres. A deed restriction prohibiting any type of residential dwelling shall be required for agribusiness use only.

Section 507 Conditional Uses (Amended August 19, 2021)

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. Agricultural, fertilizer, and chemical sales and applications;
2. Agricultural product processing facilities;
3. Aquaculture;
4. Auction yards and barns;
5. Bars;
6. Bed and breakfast operations;
7. Buying stations;
8. Churches;
9. Concentrated Animal Feeding Operations and Concentrated Animal Feeding Operation expansion over 25% of current operation size.
10. Construction services;
11. Day cares, group family home;
12. Exhibition areas;
13. Fairgrounds;
14. Fireworks sales;
15. Game farms;

16. Game lodges;
17. Golf courses;
18. Grain elevators;
19. Indoor shooting/archery ranges;
20. Kennels;
21. Landing Strips;
22. Manufacturing, light;
23. Motor vehicle tracks or play areas;
24. Manure irrigation;
25. Municipal, commercial, or residential central containment, sewage disposal, treatment, or application sites;
26. Open sales areas;
27. Outdoor shooting/archery ranges;
28. Parks;
29. Portable processing plants;
30. Private recreation areas;
31. Private shooting preserves;
32. Quarries, pursuant to Section 1515;
33. Remote fuel depots;
34. Repair shops, auto-body;
35. Repair shops, motor vehicle and equipment;
36. Riding stables;
37. Rodeo arenas;
38. Salvage yards;
39. Sanitary landfills or restricted use sites, permitted by the Department of Environment and Natural Resources (DENR);

40. Solar Energy Conversion Systems (SECS) fifty (50) kilowatts alternating current (AC) and higher, pursuant to Article 29;

41. Spreading, injection, or other application of manure or animal waste generated -from a concentrated animal feeding operation not permitted by Yankton County, shall be required to submit a waste management plan for land application of said manure within the Agricultural (AG) District. The waste management plan shall be the same as for a permitted site, pursuant to Section 519(3);

42. Temporary construction facilities; ~~and~~

43. Towers, pursuant to Article 25 & Article 26;

44. Wildlife and game production areas; and

45. Wind energy systems, pursuant to Article 26.

Section 509 Classification of Unlisted Uses

In order to ensure 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). **(Amended August 19, 2021)**

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 **(Amended August 19, 2021)**

1. The minimum lot area shall be twenty (20) acres;
2. The minimum lot area shall be five (5) acres for any agribusiness as defined herein, pursuant to Section 506(7);
3. The minimum lot width shall be five hundred (500) feet;
4. The Zoning Administrator may allow a smaller minimum lot requirement where an established single-family home exists or where a permit for a single-family home is requested on an existing farmstead site.

5. 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;

Section 515 Minimum Yard Requirements (Amended August 19, 2021)

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 fifty (50) feet;
2. There shall be a rear yard of not less than a depth of fifty (50) feet;
3. There shall be two (2) side yards, each of which shall not be less than fifty (50) 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. Water and sewer or sanitary drainage systems shall be installed by a licensed installer and shall comply with all applicable South Dakota Department of Agriculture and Natural Resources regulations.
6. Non-conforming lots of record that are allowed to develop must meet the following setbacks: All allowable uses 50' Minimum Front Yard, 10' Minimum Side Yard and 50' Minimum Rear Yard. **(Added June 21, 2022)**

	Lot Size	Min. Front Yard	Min. Side Yard	Rear Yard
Single Family Dwelling	Under 20 Acres	50'	10'	50'
Other Allowable Use	Under 20 Acres	50'	10'	50'

Section 516 New Residence Requirements (Amended August 19, 2021)

The requirements herein apply to all new residences including but not limited to single family dwellings, two family dwellings, and modular homes.

1. Any new residence must acknowledge that any AFO and/or CAFO operation located within 1.5 miles of the new residence and that is operating at the time of the issuance of

the new residence's building permit may expand in the future without regard to setbacks from this new residence. Setbacks for already established residences still apply to expansion of these AFO and/or CAFO operations. This acknowledgement shall be attached to the building permit and include:

- a. A specific list of all operators of the AFO and/or CAFO operations which are allowed to expand without regard to this residence as noted above;
 - b. A copy of South Dakota's policy to protect agricultural operations from nuisance suits as defined in SDCL 21-10-25.1 through 21-10-25.6; Agricultural operations may include, but are not limited to, the following: the cultivation, harvesting, and storage of crops; livestock production, ground rig or aerial application of pesticides or herbicides; the application of fertilizer, including animal waste; the operation of machinery; the application of irrigation water; and other accepted and customary agricultural activities conducted in accordance with Federal, State, and County laws.
 - c. Be signed by the building permit applicant; and
 - d. A copy is given to all AFO and/or CAFO operators listed. If the AFO and/or CAFO operator sells the operation to a non-family member, this setback exemption from the new residence is not transferrable. Family members noted here include: siblings, children, grandchildren, nieces, and nephews.
2. An additional dwelling unit by definition is allowed within the farmstead upon approval of the building permit application if it is to be occupied by other members of the family, provided the property is not transacted or prepared, platted, or described for transaction; and
 3. 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. No perennial 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. (**Amended August 19, 2021**)

Section 519 Concentrated Animal Feeding Operation Performance Standards (Amended August 19, 2021)

1. **Conditional Use Permit Application Requirements.** The following shall be submitted for the consideration of a Concentrated Animal Feeding Operation Conditional Use Permit:
 - a. **Site description information:**
 - i. The owners', managers', management company's or similar entities' name, address and telephone number.
 - ii. A legal description of the site and proposed 911 address for the location.
 - iii. The type and number of animals to be housed at the site.
 - iv. Site diagram of all existing and proposed buildings and structures.
 - v. Information on ability to meet designated setback requirements (Section 519(2)), including maps showing measured distances.
 - vi. Information on the types of soils at the site, and whether there are any shallow aquifers and/or 100-year floodplain designations at or within one half mile of the proposed site.
 - vii. Provide a Farm Service Agency wetland map.
 - viii. Test boring location and test boring results *may* be required. The standards utilized by the South Dakota Department of Environment and Natural Resources for soil borings shall be followed.
 - b. **A facility management plan shall include:**
 - i. The methods utilized to dispose of dead animals shall be identified and shall be in compliance with the South Dakota Animal Industry Board. Temporary dead animal storage or disposal sites shall be a screened substantially built fence to hold up to removal and prevent scavenging, and ~~or~~ located out of site from neighboring dwellings and the adjacent right-of-way.
 - ii. The methods utilized to control pests and flies.
 - iii. A screening and/or buffering section to include the planting of trees and shrubs of adequate size to control wind movement and dispersion of dust and odors generated by the facility. The applicant of any naturally ventilated or open style CAFO must plant a shelter belt of trees between the proposed CAFO and shelterbelt shall run the length of the footprint within 250' of the facility, include a minimum of five rows of trees consisting of both evergreen and deciduous species, be planted in the first year of obtaining a conditional use permit. For three consecutive years, all trees that die must be replaced within one growing season. The shelter belt must maintain 90% survivability while the conditional use permit is active.
 - iv. A *review* of Industry Best Management practices including the use of bio-filters, pit additives, urine-feces separation systems, or other odor

reduction technologies. Applicant shall identify which practices will be utilized, subject to approval of Planning Commission and Board of Adjustment.

- v. A storm water management plan 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.
- vi. Road haul routes and road maintenance agreements for both the construction and operation of the facility shall be signed by the applicant and the local road authority and included in the CUP

c. **Waste Management Plan Requirements.** An operational plan for manure collection, storage, treatment, and use shall be kept updated and implemented. The plan shall include the following:

- i. All CUP applicants must submit and receive approval for a waste management plan to the Department of Environment and Natural Resources prior to obtaining a CUP. The waste management plan will list all fields and acres that are in the waste management plan and shall include expected manure application rates.
 - ii. A state general permit is required if any of the following situations are met.
 - 1 Any CAFO greater than or equal to 1000 animal units.
 - 2 A general permit is required by the South Dakota Department of Environment and Natural Resources.
 - 3 A general permit is required by Yankton County as a condition of approval.
 - 4 The proposed site is located over a mapped shallow aquifer area as depicted on the Department of Environment and Natural Resources First Occurrence of Aquifer Materials in Yankton County, SD (Refer to South Dakota Department of Agriculture and Natural Resources).
 - iii. Proposed maintenance of waste facilities.
 - iv. Number and size of containment areas.
 - v. Timeframe for removal of manure from storage containment.
 - vi. Land application process and/or methods (surface, injection, etc.).
 - vii. Legal description and map, including documented proof of area to be utilized for manure application.
 - viii. If the applicant does not own all of the land which will be used for the spreading of waste, the applicant shall provide an enforceable lease, easement, or other written agreement as part of the application. The length of the agreement shall be such that the CAFO has adequate time to make other alternative arrangements in the event that the existing lease, easement, or other written agreement cannot be renewed.
- d. Prior to construction, such facilities shall obtain a Storm Water Permit for Construction Activities from the South Dakota Department of Environment and Natural Resources. This plan must be implemented upon the start of construction.

- e. The Yankton County Planning Commission, Board of Adjustment or the Planning Director may require additional information or conditions reasonably related to a concentrated animal feeding operation not contained in these regulations

2. **Facility Setback Requirements.** New Animal Feeding Operations and waste facilities shall be located no closer than the following regulations prescribe. The applicant(s) of an animal feeding operation may request the required setback to any residence other than the applicant, active church, business, or school be lessened. This request shall only be approved after the applicant obtains signed waivers from all property owners within the setback distance. Any authorized person, business or governmental entity that is within the setback distance may waive the setback distance. The written waiver(s) shall be permanently attached to the approved conditional use permit.

<i>Facility Setback Chart (Feet)</i>		
Class	A	B
Animal Units	500 to 10,000	200 to 499
<i>Solid Manure System*</i>		
Residence other than owner, active church, business, schools	1.98 feet per A.U. (minimum 1,320) (maximum 1.5 miles)	1,320
Municipalities	2.2 feet per A.U. (minimum 2,640) (maximum 1.5 miles)	2,640
<i>Liquid Manure System*</i>		
Residence other than owner, active church, business, schools	2.64 feet per A.U. (minimum 1,320) (maximum 1.5 miles)	1,320
Municipalities	2.64 feet per A.U. (minimum 2,640) (maximum 1.5 miles)	2,640
<i>Any Style Manure System</i>		
Public wells	1,000	1,000
Private well	250	250
Private well (operator's)	150	150
Lakes, rivers and streams	660	660
Right-of-way line	330	330
Property line delineating a change in ownership	660	660
100 year flood plain	PROHIBITED	PROHIBITED

*Operations that utilize both solid and liquid manure have a blended setback, taking into account setback distances proportional to the number of animal units of each style of manure.

Example: An operation w/1000 dry lot beef cattle and 940 AU's of finishing swine would have a setback of $(1000 \text{ AU} \times 1.98\text{ft.}) + (940 \text{ AU} \times 2.64 \text{ ft.}) = 4462'$

3. Manure application. New Animal Feeding Operations and waste facilities shall comply to the following:

- a. A review of weather conditions shall be conducted prior to application to minimize the potential for runoff and to mitigate effects upon neighboring properties.
- b. 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.
- c. All liquid manure shall be injected to provide for better agronomic benefits, to reduce the potential for runoff, and to minimize odor. Liquid manure may be surface applied if approved by the Department of Natural Resources for emergency discharge only. Documentation of this approval shall be maintained by the operator and be available upon request by the Planning Department.
- d. If irrigation is used for dewatering a lagoon (gray water) basin, these rules apply:
 - i. 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.
 - ii. If a crop is actively growing on the field, the liquid must then be dispersed below the crop canopy.
 - iii. No runoff or diffused spray from the system onto neighboring property or public right-of-way will be allowed.
 - iv. No irrigation shall be applied when soils are water saturated, frozen, or covered with snow, or when other soil conditions would result in waste runoff.
 - v. No irrigation over FSA designated wetlands.
 - vi. No "big gun" type irrigation systems shall be used for liquid manure or dewatering lagoons or other manure containment systems.
- e. Manure should not be applied over frozen or snow covered ground.
- f. No pipes or drag lines may be permanently installed in the public right-of-way.
- g. The producer, or agent acting on behalf of the producer, shall inspect the land application equipment, land application sites and irrigation equipment, if used, on a daily basis while land application of process wastewater or manure is occurring. This inspection is to ensure that the land application equipment is not leaking and runoff from the land application site is not occurring. If a discharge or leak is found where process wastewater or manure is reaching any surface waters of the state, flowing onto property not owned by the producer, or not included in the nutrient management plan, the producer is responsible for taking immediate steps to stop the discharge or leak and report the leak to the county zoning office, state DENR and the affected landowner. The producer shall keep documentation of these inspections so the Zoning Administrator can review them upon request or during an inspection
- h. A notification section should be formulated by the applicant. It should be a reasonable attempt 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 should be detailed and include timetables of probable application periods. Application of manure on weekends, holidays, and evenings during the warmer seasons should 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.

Manure Application Setback Chart			
	Injection or Incorporated within 24 hours	Surface Applied	Irrigated
Public wells (feet)	1,000	1,000	1,000
Private wells (feet)	250	250	250
Private wells (operator's) (feet)	150	150	150
Lakes, rivers and streams (public drinking supply) (feet)	1,000	1,000	1,000
Lakes, rivers and streams (fisheries) (feet)	250	660	660
All public road right-of-ways (feet)	10	10	100
Municipalities (feet)	660	1,000	2,640
Residence other than operator's (feet)	100	330	750

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. (Amended August 19, 2021)

The Board of Adjustment shall not grant a Conditional Use Permit for an Animal Feeding Operation, Concentrated Animal Feeding Operation, and/or waste facility 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 five (5) 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. The Board of Adjustment may hear and grant exceptions to this rule in the case of unforeseen life events that may force the sale of an operation.

Any evidence that is presented by any person that any Building Permit and/or Conditional Use Permit for an Animal Feeding Operation, Concentrated Animal Feeding Operation, and/or waste facility was sought for the purpose of selling, transferring, or brokering the Permit shall be considered by the Zoning Administrator, Planning Commission, and/or Board of Adjustment in considering a new application for Conditional Use Permit. It may be the basis for a denial or revocation of the application, building permit, and/or a conditional use permit by the Board of Adjustment.

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; ~~and~~
7. **Solar Energy Conversion Systems (SECS) under 50 kilowatts alternating current (AC).**

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 square foot accessory building. Side wall height shall not exceed 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 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.

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.

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; ~~and~~
7. **Solar Energy Conversion Systems (SECS) under 50 kilowatts alternating current (AC).**

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 square foot accessory structure. Side wall height shall not exceed 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 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.

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.

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; ~~and~~
7. **Solar Energy Conversion Systems (SECS) under 50 kilowatts alternating current (AC).**

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 square foot accessory structure. Side wall height shall not exceed ten (10) 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.

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.

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; **and**
6. **Solar Energy Conversion Systems (SECS) under 50 kilowatts alternating current (AC).**

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.

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 (Amended October 21, 2021)

The following principal uses and structures shall be permitted in a Commercial District (C):
(Amended June 21, 2022)

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;
30. Wholesale sales.
31. Cannabis Cultivation Facility
32. Cannabis Dispensary
33. Cannabis Product Manufacturing Facility
34. Cannabis Testing Facility; ~~and~~
35. Accessory Structures; ~~and~~
36. Solar Energy Conversion Systems (SECS) under 50 kilowatts alternating current (AC).

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): **(Amended June 21, 2022)**

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. Tank farms;
21. Towers, pursuant to Article 25 & Article 26;
22. Truck or equipment terminals;

23. Veterinary services; **(Amended May 19, 2020)**
24. Wind energy systems; ~~and~~ **(Amended May 19, 2020)**
25. Firework Sales; ~~and~~ **(Amended May 19, 2020)**
26. Solar Energy Conversion Systems (SECS) fifty (50) kilowatts alternating current (AC) and higher, pursuant to Article 29.

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 **(Amended June 21, 2022)**

1. The minimum lot area shall be two 40,000 sq. ft.; and
2. The minimum lot width shall be seventy-five (75) 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: **(Amended June 21, 2022)**

1. There shall be a front yard of not less than a depth of Fifty (50) 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 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.

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; ~~and~~
20. Solar Energy Conversion Systems (SECS) under 50 kilowatts alternating current (AC).

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.

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; ~~and~~
5. **Solar Energy Conversion Systems (SECS) under 50 kilowatts alternating current (AC).**

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.

ARTICLE 29

SOLAR ENERGY CONVERSION SYSTEMS (SECS)

Section 2901 Purpose and Intent

Purpose. It is the purpose of this Article to outline the requirements Yankton County has for solar energy conversion systems (SECS).

Intent. The regulations set out in this Article are intended to address the major issues generally associated with SECS. Because issues not addressed below may be deemed significant to public health, safety or welfare but only emerge during the course of the County's review of the application for conditional use permit, applicants are encouraged to maintain close consultation with the Zoning Administrator during the preparation of the plans and other requirements of this Article.

Section 2903 Prohibited Uses and Structures

Concentrating solar thermal devices, (CSTs) are prohibited in all zoning districts.

Section 2905 Solar Energy Conversion Systems- Performance Standards

The following provisions shall apply to all SECS fifty (50) kilowatts alternating current (AC) and higher.

Design Requirements.

- A. **Performance standards.** All SECS must conform to the performance standards as set forth by any local, state, federal regulatory standards.
- B. **Foundations.** The project's engineer or another qualified engineer shall certify that the foundation and/or design of the solar panels is within accepted professional standards, given local soil and climate conditions.
- C. **Underground Installation of Lines.** All SECS shall install power collection lines and communication lines underground and, wherever possible, under or at the edge of the project access roads in order to minimize soil disturbances. Aboveground transmission lines may be utilized in public road right-of-ways or easements.

These requirements may be waived by the Board of Commissioners upon a finding that there are existing conditions, which justify alternative, aboveground installation, and that such installation would not be averse to the public interest.

- D. Electrical connection plan. A detailed electrical diagram, showing all electrical connection points within the system and to the electrical grid.
- E. Soil Erosion and sediment control. All construction roadwork and site development work must meet national pollutant discharge elimination system (NPDES) permit requirements.
- F. Ground Cover. To reduce soil erosion and storm water runoff, disturbed land, including land under and around solar panels, shall be covered and maintained.
- G. Height. Systems, equipment and structures shall not exceed twenty (20) feet in height when mounted at maximum tilt. Excluded from this height requirement, however, are electric transmission lines, communications poles, and utility poles.
- H. Fencing. The solar energy system shall be fully enclosed and secured by a locked fence with a minimum height of six feet at the discretion of the Commission.
- I. Lighting. If lighting is provided at the site, lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcel or roadways.
- J. Noise. Noise levels measured at the property line shall not exceed 50 decibels.
- K. Signage. An appropriate warning sign shall be provided at the entrance to the facility and along each perimeter to the solar farm project. The sign at the entrance to the facility shall include the facility's 911 address and a 24-hour emergency contact number.

Facility Setback Requirements.

SECS shall be located no closer than the following regulations prescribe. The applicant(s) of a SECS may request the required setback to any residence other than the applicant, active church, business, or school be lessened. This request shall only be approved after the applicant obtains signed waivers from all property owners within the setback distance. Any authorized person, business or governmental entity that is within the setback distance may waive the setback distance. The written waiver(s) shall be permanently attached to the approved conditional use permit.

<i>Facility Setback Chart</i>	<i>Feet</i>
Residence, active church, business, schools	1,320
Municipalities	2,640
Lakes, rivers and streams	660
Right-of-way line	100 if under 80 Acres 200 if 80 Acres or more

Property line delineating a change in ownership	100 if under 80 acres 200 if 80 acres or more
100 year flood plain	PROHIBITED

Agreements and Studies.

- A. Aviation Protection. For SECS located within one thousand (1000) feet of an airport, the applicant must meet Federal Aviation Administration (FAA) standards.
- B. Endangered Species and Wetlands. Applicant must submit an inventory of any existing endangered wildlife, flora and fauna species and biologically sensitive areas and meet all South Dakota Department of Agricultural and Natural Resources and Game, Fish and Parks requirements.
- C. Road Maintenance Agreement.
 - a. *Public Roads:* Prior to commencement of construction, the applicants shall identify all “haul roads” that will be used during the construction of the SECS project and shall notify the state, county or township governing body having jurisdiction over these roads to determine if they are acceptable for use as “haul roads”. The governmental body shall be given adequate time to inspect the proposed “haul roads” prior to their use. Where practical, existing roadways shall be used for all activities associated with the SECS. Where practical, all-weather roads shall be used to deliver cement, solar collectors and components and all other heavy components to and from the site. Prior to using the approved haul roads, the permittees shall arrange with the governing body for the maintenance and repair of these roads during active construction times and any final inspection requirements to determine if final repairs are necessary.
 - b. *Private Roads:* The applicants shall promptly repair private roads or lanes damaged when moving equipment or when obtaining access to the site, unless otherwise negotiated with the affected land owner.
- D. Power Purchase Agreement. If an applicant has an executed power purchase agreement at the time of application, the applicant shall provide with the application either such agreement, or at the applicant’s discretion, an affidavit of non-confidential information regarding such agreement.
- E. Glare Study Analysis. Applicant must submit a Glare Study Analysis. Glare from the SECS to adjacent or nearby properties shall be minimized. Steps to minimize glare may include selective placement, selective orientation of the panels, installation of a non-reflective coating, appropriate screening, etc. The purpose of the glare study analysis is to identify potential impacts and mitigation strategies. Once installed, if the SECS creates glare onto neighboring properties and/or rights-of-way the County may constitute it as a nuisance and additional actions and/or screening may be required to

substantially eliminate or block the glare from entering adjacent or nearby properties and/or right of ways.

Decommissioning.

- A. *Plan:* All applicants for a conditional use permit shall provide, with their site plan submission, a decommissioning plan.
 - a. The plan shall specify the procedure by which the applicant or its successor will remove all structures (including equipment, fencing, roads and foundations) and restore the area to its pre-construction condition.
 - b. Disposal of structure and/or foundations shall meet the provisions and regulations of the South Dakota Environmental Protection Agency or the United States Environmental Protection Agency.
 - c. The plan will set forth a timeline for completing decommissioning once it is commenced.
- B. *Cost Estimate:*
 - a. The decommissioning plan shall include a decommissioning cost estimate prepared by a licensed professional engineer.
 - b. The cost estimate shall provide the estimated cost of decommissioning in accordance with the decommissioning plan and any other applicable conditions set by the County.
 - c. The applicant or its successor shall compensate the County for any third-party review and analysis by an engineer of the initial cost estimate.
 - d. The applicant or its successor shall update the decommissioning cost every five (5) years following approval of the conditional use permit and compensate the County for any review and analysis of each cost estimate revision by a licensed professional engineer.
- C. *Financial Resources:*
 - a. Fifty percent (50%) of the estimated decommissioning cost will be placed into an escrow account held by the County at the beginning of the SECS construction phase. The balance of the decommissioning cost estimate will be guaranteed with a surety bond so as to cover one hundred percent (100%) of the estimated decommission costs.
 - b. Each year, the applicant or its successor will contribute an additional five percent (5%) of the most current cost estimate to the escrow account, allowing for the reduction of the surety bond by the same percentage. This escrow increase and surety bond decrease will continue until one hundred percent (100%) of the decommissioning cost estimate is held in escrow.
 - c. Should the five-year (5) updated cost estimate increase, the applicant or its successor will increase the required escrow and surety bond combination as outlined above to meet the percentages for the given year. Amounts may be reduced, at the discretion of the County, if an updated cost estimate shows a decrease from the previous cost estimate.
 - d. The County will credit interest to the escrow account on a monthly basis.
- D. *Notice to County:* The applicant or its successor shall provide six (6) months' written notice to the Zoning Administrator that it intends to commence the decommissioning process.

E. *Termination of Use:*

- a. Decommissioning of solar panels must occur in the event the SECS is not in use for six (6) consecutive months. At this time the applicant or its successor and/or land owner will have six (6) months to complete the decommission plan.
- b. If the applicant or its successor and/or land owner fail to decommission the SECS within six (6) months following commencement of decommissioning, the County has the right, but not the obligation, to undertake decommissioning financed by the financial agreement required for a conditional use permit.
- c. The county is granted the right to seek injunctive relief to effect and complete decommissioning, as well as to seek reimbursement from the applicant or its successor for decommissioning costs against any real estate owned by applicant or its successor, or in which they have an interest and to take all steps allowed by law to enforce said lien. NOTE: The land owner is ultimately responsible and could have a Lien placed on their property should the applicant or its successor fail to fully remunerate the costs of decommissioning.

F. *Liability insurance:* The applicant or its successor shall obtain and hold a general liability policy covering bodily injury and property damage and name Yankton County as an additional insured with limits of at least two million dollars (\$2,000,000.00) per occurrence and five million dollars (\$5,000,000.00) in the aggregate with a deductible of no more than five thousand dollars (\$5,000.00). The applicant or its successor must provide proof of insurance to the Zoning Administration prior to construction.

G. *Indemnity:* Developer shall hold the County and its officers and employees harmless from claims made by Developer and third parties for damages sustained or costs incurred resulting from said SECS project. The Developer shall indemnify the County and its officers and employees for all costs, damages or expenses that the County may pay or incur in consequence of such claims, including attorney fees. Third parties shall have no recourse against the County under this agreement.

Conditional Use Permit Application Requirements.

The following information shall be submitted for the consideration of a SECS Conditional Use Permit:

- A. The applicants', owners', managers', management company's or similar entities' name, address and telephone number.
- B. A legal description of the site and proposed 911 address for the location.
- C. Site diagram(s) depicting:
 - a. boundary of entire area included in permit, showing project acreage and property lines of individual land owners
 - b. location of existing area structures and their distances from the project to illustrate all Facility Setback Requirements are met
 - c. points of access from public road ways
 - d. topography with contours at intervals of two (2) feet showing surface water drainage patterns
 - e. schematic location of solar panels, collector and feeder lines, electrical transmission lines and electrical interconnection points with the utility grid

- f. internal access and maintenance roads and other accessory structures associated with the SECS
 - g. proposed setbacks of all structures from the exterior boundaries
 - h. depiction of chosen ground cover for erosion control
 - i. fencing, lighting and signage locations
 - j. location and purpose of any existing underground pipelines and other utility easements
- D. Soil erosion and sediment control plan during construction
 - E. Federal Aviation Administration requirements, if applicable
 - F. Glare Study Analysis
 - G. Inventory of endangered species and wetlands
 - H. A signed Roadway Maintenance and Haul Agreement with State, County, and/or Township authority approval
 - I. Power Purchase Agreement
 - J. Decommissioning plan
 - K. Liability insurance policy
 - L. Indemnification of County and its officers and employees
 - M. Such other information deemed relevant and necessary by the Zoning Administrator.

Section 2907 Conditional Use Permit for an SECS 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 SECS 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 five (5) 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. The Board of Adjustment may hear and grant exceptions to this rule in the case of unforeseen life events that may force the sale of an operation.

Any evidence that is presented by any person that any Building Permit and/or Conditional Use Permit for an SECS was sought for the purpose of selling, transferring, or brokering the Permit shall be considered by the Zoning Administrator, Planning Commission, and/or Board of Adjustment in considering a new application for Conditional Use Permit. It may be the basis for a denial or revocation of the application, building permit, and/or a conditional use permit by the Board of Adjustment.

Agrivoltaics: The use of land for both agriculture (crop production, livestock grazing and pollinator habitat) and solar photovoltaic energy generation. This is located underneath solar panels and/or between rows of solar panels.

Aggrieved Person - A person aggrieved is any person directly interested in the outcome of and aggrieved by a decision or action or failure to act regarding a zoning decision thus: **(Amended August 19, 2021)**

1. Establishes that the person suffered an injury, an invasion of a legally protected interest that is both concrete and particularized, and actual or imminent, not conjectural or hypothetical;
2. Shows that a causal connection exists between the person's injury and the conduct of which the person complains. The causal connection is satisfied if the injury is fairly traceable to the challenged action, and not the result of the independent action of any third party not before the court; (3) Shows it is likely, and not merely speculative, that the injury will be redressed by a favorable decision, and; (4) Shows that the injury is unique or different from those injuries suffered by the public in general.

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 200 or greater animal units, excluding aquaculture, 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. **(Amended August 19, 2021)**

For the purposes of these regulations, Animal Feeding Operations are divided into the following classes:

Class	Animal Units
Class A	500 - 10,000
Class B	200 – 499

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

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.

Commissioners - the Yankton County Board of County Commissioners (**Amended November 4, 2021**)

Concentrated Animal Feeding Operation (CAFO): An animal feeding operation that is previously defined meets one or more of the following criteria: (**Amended August 19, 2021**)

1. Contains at least 500 animal units
2. Utilizes a Liquid Manure System (see definitions)
3. Utilizes environmentally controlled housing where the animals are contained in a thermostatically controlled environment
4. Discharges pollutants into waters of the state through man-made ditch, flushing system, or other similar man-made device
5. Discharges pollutants directly into waters of the state which originate outside of and pass over, across, or through the facility or otherwise come into direct contact with the animals confined in operation

Concentrated Animal Feeding Operation (CAFO) Existing: Concentrated animal feeding operations in existence prior to the effective date of this ordinance or any subsequent amendment of applicable Articles or Sections. (**Amended August 19, 2021**)

Concentrating Solar Thermal Devices (CST's): CST technologies use mirrors to reflect and concentrate sunlight onto a receiver. The energy from the concentrated sunlight heats a high temperature fluid in the receiver.

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

- b. Is intended for human consumption by oral ingestion; and
- c. Is presented in the form of foodstuffs, beverages, extracts, oils, tinctures, or other similar products;

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

Enclosed, locked facility - any closet, room, greenhouse, building, or other enclosed area that is equipped with locks or other security devices that permit access only by a cardholder or a person allowed to cultivate the plants. Two or more cardholders who reside in the same dwelling may share one enclosed, locked facility for cultivation. **(Amended November 4, 2021)**

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, as described per Article 1 Section 103 Jurisdiction.~~

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. **(Amended July 20, 2021)**

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

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.

Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy Conversion Systems (SECS): Solar energy conversion systems are any combination of solar panels on a parcel of property.

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):
(Amended August 19, 2021)

1. Agriculture;
2. Cemeteries;
3. Day cares, family;
4. Farms, ranches or orchards as defined herein;
5. Farm buildings;
6. Historic sites;
7. Horticulture;
8. Utility facilities;
9. Veterinary services;
10. Cannabis Cultivation Facility;
11. Cannabis Dispensary;
12. Cannabis Product Manufacturing Facility;
13. Cannabis Testing Facility; and
14. Solar Energy Conversion Systems (SECS) under 50 kilowatts alternating current (AC).

Section 505 Permitted Accessory Uses and Structures

40. Solar Energy Conversion Systems (SECS) fifty (50) kilowatts alternating current (AC) and higher, pursuant to Article 29;
41. Spreading, injection, or other application of manure or animal waste generated -from a concentrated animal feeding operation not permitted by Yankton County, shall be required to submit a waste management plan for land application of said manure within the Agricultural (AG) District. The waste management plan shall be the same as for a permitted site, pursuant to Section 519(3);
42. Temporary construction facilities; ~~and~~
43. Towers, pursuant to Article 25 & Article 26;
44. Wildlife and game production areas; and
45. Wind energy systems, pursuant to Article 26.

Section 509 Classification of Unlisted Uses

In order to ensure 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). **(Amended August 19, 2021)**

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 **(Amended August 19, 2021)**

1. The minimum lot area shall be twenty (20) acres;
2. The minimum lot area shall be five (5) acres for any agribusiness as defined herein, pursuant to Section 506(7);
3. The minimum lot width shall be five hundred (500) feet;
4. The Zoning Administrator may allow a smaller minimum lot requirement where an established single-family home exists or where a permit for a single-family home is requested on an existing farmstead site.

brokering the Permit. The Board of Adjustment may hear and grant exceptions to this rule in the case of unforeseen life events that may force the sale of an operation.

Any evidence that is presented by any person that any Building Permit and/or Conditional Use Permit for an Animal Feeding Operation, Concentrated Animal Feeding Operation, and/or waste facility was sought for the purpose of selling, transferring, or brokering the Permit shall be considered by the Zoning Administrator, Planning Commission, and/or Board of Adjustment in considering a new application for Conditional Use Permit. It may be the basis for a denial or revocation of the application, building permit, and/or a conditional use permit by the Board of Adjustment.

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; **and**
7. **Solar Energy Conversion Systems (SECS) under 50 kilowatts alternating current (AC).**

Section 605 Permitted Accessory Uses and Structures

The following accessory uses and structures shall be permitted in a Low Density Rural Residential District (R1):

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.

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; **and**
7. **Solar Energy Conversion Systems (SECS) under 50 kilowatts alternating current (AC).**

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.

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; **and**
7. **Solar Energy Conversion Systems (SECS) under 50 kilowatts alternating current (AC).**

(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.

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; **and**
6. **Solar Energy Conversion Systems (SECS) under 50 kilowatts alternating current (AC).**

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;

24. Self-storage warehouses;
25. Service establishments;
26. Theaters;
27. Utility facilities;
28. Veterinary clinics;
29. Warehousing facilities;
30. Wholesale sales.
31. Cannabis Cultivation Facility
32. Cannabis Dispensary
33. Cannabis Product Manufacturing Facility
34. Cannabis Testing Facility; and
35. Accessory Structures; and
36. Solar Energy Conversion Systems (SECS) under 50 kilowatts alternating current (AC).

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

23. Veterinary services; **(Amended May 19, 2020)**
24. Wind energy systems; **and (Amended May 19, 2020)**
25. Firework Sales; **and (Amended May 19, 2020)**
26. Solar Energy Conversion Systems (SECS) fifty (50) kilowatts alternating current (AC) and higher, pursuant to Article 29.

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 (Amended June 21, 2022)

1. The minimum lot area shall be two 40,000 sq. ft.; and
2. The minimum lot width shall be seventy-five (75) 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: **(Amended June 21, 2022)**

1. There shall be a front yard of not less than a depth of Fifty (50) 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 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

12. Parks;
13. Restaurants;
14. Restaurants, drive-in;
15. Restaurants, in-house;
16. Retail sales;
17. Service establishments;
18. Theaters; ~~and~~
19. Utility facilities; ~~and~~
20. Solar Energy Conversion Systems (SECS) under 50 kilowatts alternating current (AC).

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;

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; and
5. Solar Energy Conversion Systems (SECS) under 50 kilowatts alternating current (AC).

Hhhbh6Section 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.

shall comply with all applicable South Dakota Department of Environment and Natural Resources regulations.

ARTICLE 29

SOLAR ENERGY CONVERSION SYSTEMS (SECS)

Section 2901 Purpose and Intent

Purpose. It is the purpose of this Article to outline the requirements Yankton County has for solar energy conversion systems (SECS).

Intent. The regulations set out in this Article are intended to address the major issues generally associated with SECS. Because issues not addressed below may be deemed significant to public health, safety or welfare but only emerge during the course of the County's review of the application for conditional use permit, applicants are encouraged to maintain close consultation with the Zoning Administrator during the preparation of the plans and other requirements of this Article.

Section 2903 Prohibited Uses and Structures

Concentrating solar thermal devices, (CSTs) are prohibited in all zoning districts.

Section 2905 Solar Energy Conversion Systems- Performance Standards

The following provisions shall apply to all SECS fifty (50) kilowatts alternating current (AC) and higher.

Design Requirements.

- A. **Performance standards.** All SECS must conform to the performance standards as set forth by any local, state, federal regulatory standards.
- B. **Foundations.** The project's engineer or another qualified engineer shall certify that the foundation and/or design of the solar panels is within accepted professional standards, given local soil and climate conditions.
- C. **Underground Installation of Lines.** All SECS shall install power collection lines and communication lines underground and, wherever possible, under or at the edge of the project access roads in order to minimize soil disturbances. Aboveground transmission lines may be utilized in public road right-of-ways or easements.

These requirements may be waived by the Board of Commissioners upon a finding that there are existing conditions, which justify alternative, aboveground installation, and that such installation would not be averse to the public interest.

- D. Electrical connection plan. A detailed electrical diagram, showing all electrical connection points within the system and to the electrical grid.
- E. Soil Erosion and sediment control. All construction roadwork and site development work must meet national pollutant discharge elimination system (NPDES) permit requirements.
- F. Ground Cover. To reduce soil erosion and storm water runoff, disturbed land, including land under and around solar panels, shall be covered and maintained.
- G. Height. Systems, equipment and structures shall not exceed twenty (20) feet in height when mounted at maximum tilt. Excluded from this height requirement, however, are electric transmission lines, communications poles, and utility poles.
- H. Fencing. The solar energy system shall be fully enclosed and secured by a locked fence with a minimum height of six feet at the discretion of the Commission.
- I. Lighting. If lighting is provided at the site, lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcel or roadways.
- J. Noise. Noise levels measured at the property line shall not exceed 50 decibels.
- K. Signage. An appropriate warning sign shall be provided at the entrance to the facility and along each perimeter to the solar farm project. The sign at the entrance to the facility shall include the facility's 911 address and a 24-hour emergency contact number.

Facility Setback Requirements.

SECS shall be located no closer than the following regulations prescribe. The applicant(s) of a SECS may request the required setback to any residence other than the applicant, active church, business, or school be lessened. This request shall only be approved after the applicant obtains signed waivers from all property owners within the setback distance. Any authorized person, business or governmental entity that is within the setback distance may waive the setback distance. The written waiver(s) shall be permanently attached to the approved conditional use permit.

<i>Facility Setback Chart</i>	<i>Feet</i>
Residence, active church, business, schools	1,320
Municipalities	2,640
Lakes, rivers and streams	660
Right-of-way line	100 if under 80 Acres 200 if 80 Acres or more

Property line delineating a change in ownership	100 if under 80 acres 200 if 80 acres or more
100 year flood plain	PROHIBITED

Agreements and Studies.

- A. Aviation Protection. For SECS located within one thousand (1000) feet of an airport, the applicant must meet Federal Aviation Administration (FAA) standards.
- B. Endangered Species and Wetlands. Applicant must submit an inventory of any existing endangered wildlife, flora and fauna species and biologically sensitive areas and meet all South Dakota Department of Agricultural and Natural Resources and Game, Fish and Parks requirements.
- C. Road Maintenance Agreement.
 - a. *Public Roads:* Prior to commencement of construction, the applicants shall identify all “haul roads” that will be used during the construction of the SECS project and shall notify the state, county or township governing body having jurisdiction over these roads to determine if they are acceptable for use as “haul roads”. The governmental body shall be given adequate time to inspect the proposed “haul roads” prior to their use. Where practical, existing roadways shall be used for all activities associated with the SECS. Where practical, all-weather roads shall be used to deliver cement, solar collectors and components and all other heavy components to and from the site. Prior to using the approved haul roads, the permittees shall arrange with the governing body for the maintenance and repair of these roads during active construction times and any final inspection requirements to determine if final repairs are necessary.
 - b. *Private Roads:* The applicants shall promptly repair private roads or lanes damaged when moving equipment or when obtaining access to the site, unless otherwise negotiated with the affected land owner.
- D. Power Purchase Agreement. If an applicant has an executed power purchase agreement at the time of application, the applicant shall provide with the application either such agreement, or at the applicant’s discretion, an affidavit of non-confidential information regarding such agreement.
- E. Glare Study Analysis. Applicant must submit a Glare Study Analysis. Glare from the SECS to adjacent or nearby properties shall be minimized. Steps to minimize glare may include selective placement, selective orientation of the panels, installation of a non-reflective coating, appropriate screening, etc. The purpose of the glare study analysis is to identify potential impacts and mitigation strategies. Once installed, if the SECS creates glare onto neighboring properties and/or rights-of-way the County may constitute it as a nuisance and additional actions and/or screening may be required to

substantially eliminate or block the glare from entering adjacent or nearby properties and/or right of ways.

Decommissioning.

- A. *Plan:* All applicants for a conditional use permit shall provide, with their site plan submission, a decommissioning plan.
 - a. The plan shall specify the procedure by which the applicant or its successor will remove all structures (including equipment, fencing, roads and foundations) and restore the area to its pre-construction condition.
 - b. Disposal of structure and/or foundations shall meet the provisions and regulations of the South Dakota Environmental Protection Agency or the United States Environmental Protection Agency.
 - c. The plan will set forth a timeline for completing decommissioning once it is commenced.
- B. *Cost Estimate:*
 - a. The decommissioning plan shall include a decommissioning cost estimate prepared by a licensed professional engineer.
 - b. The cost estimate shall provide the estimated cost of decommissioning in accordance with the decommissioning plan and any other applicable conditions set by the County.
 - c. The applicant or its successor shall compensate the County for any third-party review and analysis by an engineer of the initial cost estimate.
 - d. The applicant or its successor shall update the decommissioning cost every five (5) years following approval of the conditional use permit and compensate the County for any review and analysis of each cost estimate revision by a licensed professional engineer.
- C. *Financial Resources:*
 - a. Fifty percent (50%) of the estimated decommissioning cost will be placed into an escrow account held by the County at the beginning of the SECS construction phase. The balance of the decommissioning cost estimate will be guaranteed with a surety bond so as to cover one hundred percent (100%) of the estimated decommission costs.
 - b. Each year, the applicant or its successor will contribute an additional five percent (5%) of the most current cost estimate to the escrow account, allowing for the reduction of the surety bond by the same percentage. This escrow increase and surety bond decrease will continue until one hundred percent (100%) of the decommissioning cost estimate is held in escrow.
 - c. Should the five-year (5) updated cost estimate increase, the applicant or its successor will increase the required escrow and surety bond combination as outlined above to meet the percentages for the given year. Amounts may be reduced, at the discretion of the County, if an updated cost estimate shows a decrease from the previous cost estimate.
 - d. The County will credit interest to the escrow account on a monthly basis.
- D. *Notice to County:* The applicant or its successor shall provide six (6) months' written notice to the Zoning Administrator that it intends to commence the decommissioning process.

E. *Termination of Use:*

- a. Decommissioning of solar panels must occur in the event the SECS is not in use for six (6) consecutive months. At this time the applicant or its successor and/or land owner will have six (6) months to complete the decommission plan.
- b. If the applicant or its successor and/or land owner fail to decommission the SECS within six (6) months following commencement of decommissioning, the County has the right, but not the obligation, to undertake decommissioning financed by the financial agreement required for a conditional use permit.
- c. The county is granted the right to seek injunctive relief to effect and complete decommissioning, as well as to seek reimbursement from the applicant or its successor for decommissioning costs against any real estate owned by applicant or its successor, or in which they have an interest and to take all steps allowed by law to enforce said lien. NOTE: The land owner is ultimately responsible and could have a Lien placed on their property should the applicant or its successor fail to fully remunerate the costs of decommissioning.

F. *Liability insurance:* The applicant or its successor shall obtain and hold a general liability policy covering bodily injury and property damage and name Yankton County as an additional insured with limits of at least two million dollars (\$2,000,000.00) per occurrence and five million dollars (\$5,000,000.00) in the aggregate with a deductible of no more than five thousand dollars (\$5,000.00). The applicant or its successor must provide proof of insurance to the Zoning Administration prior to construction.

G. *Indemnity:* Developer shall hold the County and its officers and employees harmless from claims made by Developer and third parties for damages sustained or costs incurred resulting from said SECS project. The Developer shall indemnify the County and its officers and employees for all costs, damages or expenses that the County may pay or incur in consequence of such claims, including attorney fees. Third parties shall have no recourse against the County under this agreement.

Conditional Use Permit Application Requirements.

The following information shall be submitted for the consideration of a SECS Conditional Use Permit:

- A. The applicants', owners', managers', management company's or similar entities' name, address and telephone number.
- B. A legal description of the site and proposed 911 address for the location.
- C. Site diagram(s) depicting:
 - a. boundary of entire area included in permit, showing project acreage and property lines of individual land owners
 - b. location of existing area structures and their distances from the project to illustrate all Facility Setback Requirements are met
 - c. points of access from public road ways
 - d. topography with contours at intervals of two (2) feet showing surface water drainage patterns
 - e. schematic location of solar panels, collector and feeder lines, electrical transmission lines and electrical interconnection points with the utility grid

- f. internal access and maintenance roads and other accessory structures associated with the SECS
 - g. proposed setbacks of all structures from the exterior boundaries
 - h. depiction of chosen ground cover for erosion control
 - i. fencing, lighting and signage locations
 - j. location and purpose of any existing underground pipelines and other utility easements
- D. Soil erosion and sediment control plan during construction
 - E. Federal Aviation Administration requirements, if applicable
 - F. Glare Study Analysis
 - G. Inventory of endangered species and wetlands
 - H. A signed Roadway Maintenance and Haul Agreement with State, County, and/or Township authority approval
 - I. Power Purchase Agreement
 - J. Decommissioning plan
 - K. Liability insurance policy
 - L. Indemnification of County and its officers and employees
 - M. Such other information deemed relevant and necessary by the Zoning Administrator.

Section 2907 Conditional Use Permit for an SECS 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 SECS 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 five (5) 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. The Board of Adjustment may hear and grant exceptions to this rule in the case of unforeseen life events that may force the sale of an operation.

Any evidence that is presented by any person that any Building Permit and/or Conditional Use Permit for an SECS was sought for the purpose of selling, transferring, or brokering the Permit shall be considered by the Zoning Administrator, Planning Commission, and/or Board of Adjustment in considering a new application for Conditional Use Permit. It may be the basis for a denial or revocation of the application, building permit, and/or a conditional use permit by the Board of Adjustment.

THE UNDERSIGNED are qualified voters in the area herein described. We petition that the question of
 ning the South Sundance Road District (insert name and type of district) district be submitted for a vote of approval
 / rejection pursuant to law.

(Here insert the legal description of the area to be included in the proposed district.)

Lots One (1) through Six (6), Sundance Ridge, in the South One-half (S1/2) of the Southeast Quarter (S1/2 SE1/4) of
 Section Twelve (12), Township Ninety-three (93) North, Range Fifty-seven (57) West of the 5th P.M., Yankton
 County, South Dakota. Sundance Ridge is located in Yankton County R1 zoning (Low Density Rural Residential
 District).

Included in the above description are six (6) residential parcels with a total of six (6) owners.

South Sundance Road District will provide for maintaining, graveling, weed control, grass maintenance, snow
 removal, etc. of the south most three tenths of a mile (0.3 Miles) of Sundance Ridge Road starting where 434
 Avenue stops.

INSTRUCTIONS TO SIGNERS:

1. Signers of this petition must individually sign their names in the form in which they are registered to vote
 or as they usually sign their names.
2. Before the petition is filed, each signer or the circulator must add the residence address of the signer and
 the date of signing. If the signer is a resident of a second or third class municipality, a post office box may be
 used for the residence address.
3. Before the petition is filed, each signer or the circulator must print the name of the signer in the space
 provided and add the county of voter registration.
4. Abbreviations of common usage may be used. Ditto marks may not be used.
5. Failure to provide all information requested may invalidate the signature.

NAME		RESIDENCE	DATE/COUNTY
SIGN 1 PRINT	<i>E. Robert Currie Jr</i> E. ROBERT CURRIE JR	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER 31020 STARVIEW DRIVE CITY OR TOWN YANKTON	DATE OF SIGNING 5-31-2023 COUNTY OF REGISTRATION YANKTON
SIGN 2 PRINT	<i>Elaine Schmitz</i> Elaine Schmitz	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER 14296 Juniper Ave CITY OR TOWN Le Mars, IA 51031	DATE OF SIGNING 5-31-2023 COUNTY OF REGISTRATION Plymouth
SIGN 3 PRINT	<i>Blake Yanke</i> Blake Yanke	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER 105 Spring Meadow Rd CITY OR TOWN Yankton, SD	DATE OF SIGNING 5-31-23 COUNTY OF REGISTRATION Yankton
SIGN 4 PRINT		STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER CITY OR TOWN	DATE OF SIGNING COUNTY OF REGISTRATION
SIGN 5 PRINT		STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER CITY OR TOWN	DATE OF SIGNING COUNTY OF REGISTRATION
SIGN 6 PRINT		STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER CITY OR TOWN	DATE OF SIGNING COUNTY OF REGISTRATION
SIGN 7 PRINT		STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER CITY OR TOWN	DATE OF SIGNING COUNTY OF REGISTRATION
SIGN 10 PRINT		STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER CITY OR TOWN	DATE OF SIGNING COUNTY OF REGISTRATION
SIGN 11 PRINT		STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER CITY OR TOWN	DATE OF SIGNING COUNTY OF REGISTRATION
SIGN 12 PRINT		STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER CITY OR TOWN	DATE OF SIGNING COUNTY OF REGISTRATION

PETITION TO ESTABLISH A ROAD DISTRICT

WE, THE UNDERSIGNED, are qualified voters in the area herein described. We petition that the question of forming the Sundance Ridge Road District district be submitted for a vote of approval or rejection pursuant to law.

The NW1/4 of Section 12, T93N, R57W of the 5th. P.M., Yankton County, South Dakota, except for Kabeiseman Tract 4 and Kabeiseman Tract J, and further excepting the property between and adjoining the Kabeiseman Tract 4 and Kabeiseman Tract J. The SW1/4 of Section 12, T93N, R57W of the 5th. P.M., Yankton County, South Dakota. The S1/2 of the SE1/4 of Section 12, T93N, R57W of the 5th. P.M., Yankton County, South Dakota.

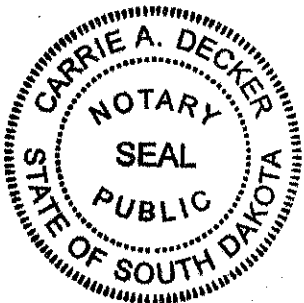
Included in the above description are 17 residential parcels and 4 agricultural parcels with a total of 17 owners. All 4 agricultural parcels are voluntarily assessing themselves under this resolution. All lots and the entire road have been surveyed. Map and details attached.

Sundance Ridge Road District will provide for maintaining, graveling, grading, weed control, grass maintenance, snow removal, etc. of Sundance Ridge Road from the intersection of Sundance Ridge Road and 434th Avenue to the intersection of Sundance Ridge Road, Cedar Hills Road, and 310th Street, Yankton County, South Dakota. No driveways or other roads that feed into Sundance Ridge Road will be maintained with this road district.

SIGNERS:

	NAME	RESIDENCE	DATE/COUNTY
SIGN 1	<i>Todd Huber</i>	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER <i>31083 SUNDANCE RIDGE</i>	DATE OF SIGNING <i>10/27/23</i>
PRINT	<i>TODD H. HUBER</i>	CITY OR TOWN <i>YANKTON, SD 57078</i>	COUNTY OF REGISTRATION <i>YANKTON</i>
SIGN 2	<i>Janece Wrage - Trustee</i>	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER <i>31067 Skyline Dr.</i>	DATE OF SIGNING <i>10/27/23</i>
PRINT	<i>Janece Wrage</i>	CITY OR TOWN <i>Yankton SD 57078</i>	COUNTY OF REGISTRATION <i>Yankton</i>
SIGN 3	<i>Wayne R. Nesse</i>	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER <i>31064 Sundance Ridge</i>	DATE OF SIGNING <i>10/29/2023</i>
PRINT	<i>WAYNE NESSE</i>	CITY OR TOWN <i>Yankton, SD. 57078</i>	COUNTY OF REGISTRATION <i>Yankton</i>
SIGN 4	<i>Bon McCabe</i>	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER <i>31006 Sundance Ridge</i>	DATE OF SIGNING <i>10/29/2023</i>
PRINT	<i>Bon McCabe</i>	CITY OR TOWN <i>Yankton SD 57078</i>	COUNTY OF REGISTRATION <i>Yankton</i>
SIGN 5	<i>Adam Schilousky</i>	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER <i>31038 Sundance Ridge</i>	DATE OF SIGNING <i>10/31/2023</i>
PRINT	<i>Adam Schilousky</i>	CITY OR TOWN <i>Yankton SD 57078</i>	COUNTY OF REGISTRATION <i>Yankton</i>

In witness whereof, I hereunto set my hand and official seal.



FILED
IN THE OFFICE OF
YANKTON COUNTY AUDITOR

NOV 08 2023

PATTY A. HOJEM
COUNTY AUDITOR

State of SD Public Notary Carrie A. Decker

Title of Officer Administering Oath

(Seal)

**My Commission Expires
June 10, 2028**

My Commission Expires:

6-10-28

SIGN	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER	DATE OF SIGNING
6 <u>LISA M. HUBER</u>	<u>31083 Sundance Ridge</u>	<u>10/31/23</u>
PRINT <u>LISA M. HUBER</u>	CITY OR TOWN <u>Yankton SD 57078</u>	COUNTY OF REGISTRATION <u>Yankton</u>
7 <u>LISA M. HUBER FOR</u>	<u>31083 Sundance Ridge</u>	<u>10/31/23</u>
PRINT <u>LISA M. HUBER</u>	CITY OR TOWN <u>Yankton SD 57078</u>	COUNTY OF REGISTRATION <u>Yankton</u>
8 <u>Todd Huber FOR SUNDANCE</u>	<u>31083 SUNDANCE RIDGE</u>	<u>10/31/23</u>
PRINT <u>TODD H. HUBER</u>	CITY OR TOWN <u>YANKTON, SD 57078</u>	COUNTY OF REGISTRATION <u>YANKTON</u>
9 SIGN	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER	DATE OF SIGNING
9 PRINT	CITY OR TOWN	COUNTY OF REGISTRATION
10 SIGN	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER	DATE OF SIGNING
10 PRINT	CITY OR TOWN	COUNTY OF REGISTRATION
11 SIGN	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER	DATE OF SIGNING
11 PRINT	CITY OR TOWN	COUNTY OF REGISTRATION
12 SIGN	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER	DATE OF SIGNING
12 PRINT	CITY OR TOWN	COUNTY OF REGISTRATION

VERIFICATION BY PERSON CIRCULATING PETITION

INSTRUCTIONS TO CIRCULATOR: This section must be completed following circulation and before filing.

TODD H. HUBER 31083 SUNDANCE RIDGE YANKTON SD
 Print name of the circulator Residence Address City State

I, under oath, state that I circulated the above petition, that each signer personally signed this petition in my presence, and that either the signer or I added the printed name, the address of the signer, the date of signing, and the county of voter registration.

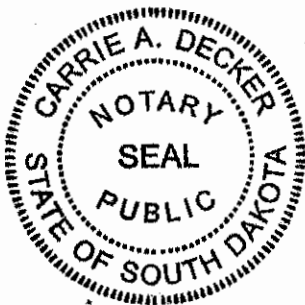
Todd H. Huber
 Signature of Circulator

FILED
 IN THE OFFICE OF
 YANKTON COUNTY AUDITOR

NOV 08 2023

PATTY A. HOJEM
 COUNTY AUDITOR

Sworn to before me this 8 day
 of November, 2023
 (Seal)



Carrie A. Decker
 Signature of Officer Administering Oath

State of SD Public Notary
 Title of Officer Administering Oath

My Commission Expires:

My Commission Expires
June 10, 2028

Item 13



SOUTH DAKOTA DEPARTMENT OF HEALTH

VISION: Every South Dakotan healthy and strong

Dear Commissioners,

You may be aware that effective July 1, 2023, South Dakota businesses are now allowed to have life- saving Naloxone within their worksite to reverse an opioid overdose. [HB1162](#) allows for an employer to acquire and make available on the employer's premises an opioid antagonist that is dispensed or distributed by a licensed health care professional, in accordance with this section, if the employer:

- Develops a protocol for the transport, storage, maintenance, and location of the opioid antagonist;
- Provides training and instruction, developed by the Department of Health – all available online;
- Prominently posts instructions on the administration of an opioid antagonist and post-administration protocol, if the employer makes it accessible to the public.

The South Dakota Department of Health (DOH) currently partners with your county to house a Community Health Office within your building. Our request is to have Naloxone mounted in a protective box (ideally next to an AED) in the county building where the Community Health Office is located. We would propose that the DOH employee is the designated point of contact who will be responsible for routine monitoring of the Naloxone to ensure that it is not expired or is in need of replacement because of use. The protective box, the Naloxone and the replacement of Naloxone would be purchased using existing state resources.

With the onboarding of Naloxone in your county building we would also encourage you to implement a Naloxone for Business program for county employees who work in proximity to where the Naloxone would be placed. The DOH has developed resources to help employers implement a Naloxone program at their workplace. Please go to the following link on the DOH website for more information: <https://doh.sd.gov/health-care-professionals/ems-trauma-program/sd-naloxone-project/naloxone-for-business-training-and-resources/>

Resources include a sample Worksite Naloxone Policy and an online training that includes the following:

- Signs and symptoms of an overdose
- Safety precautions to consider
- What is an opioid and how does it affect the body
- What is Naloxone and how does it work?
- How to safely administer Naloxone
- Activation of Emergency Services

If you have questions about what we are proposing with this initiative, you can reach out to either of these individuals on my team for more information:

- Marty Link at Marty.Link@state.sd.us
- Lori Martinec at Lori.Martinec@state.sd.us

Thank you in advance for your support of this important, statewide effort.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Melissa Magstadt'.

Melissa Magstadt
DOH Cabinet Secretary

YANKTON COUNTY COMMISSION MEETING

November 21, 2023

The regular meeting of the Yankton County Commission was called to order by Chairman Don Kettering at 6:00 p.m. on Tuesday, November 21, 2023.

Roll call was taken with the following Commissioners present: Wanda Howey-Fox, Ryan Heine, John Marquardt, Dan Klimisch and Don Kettering.

Commissioner Fox will abstain from voting on the second set of claims from Harmelink & Fox Law Office. There were no conflicts from the rest of the board.

Action 23381C: A motion was made by Fox and seconded by Marquardt to approve the meeting agenda. All present voted aye; motion carried, 5-0.

There were no public comments. Chairman Kettering closed public comment.

County Health Insurance: Julie Auch, representative for health insurance for Yankton County employees appeared to discuss the renewal of the county health insurance. No action was taken.

Brian Hunhoff along with Doug Sall, appeared before the board for approval to fund expansion of current historic photo display on the first floor corridor of the Government Center.

Action 23382C: A motion was made by Klimisch and seconded by Fox to approve the photo display at a cost of \$1000.00 each year for a 2-year period. Klimisch, Kettering, Marquardt and Fox voting aye; Heine voting nay; motion carried, 4-1.

Highway Superintendent Mike Sedlacek appeared for approval of the gravel bid received from Schrammpit in the amount of \$7.00 dollars per ton.

Action 23383C: A motion was made by Klimisch and seconded by Marquardt to approve the bid from Schrammpit. All present voted aye; motion carried, 5-0.

Dana Schmidt from Yankton Community Library appeared to request approval of agreement for the provision of library services to county residents outside of the City of Yankton.

Action 23384C: A motion was made by Fox and seconded by Heine to approve the Agreement for Provision of Library Services. Klimisch, Kettering, Heine and Fox voting aye; Marquardt voting nay; motion carried, 4-1.

Rezone: There was a second reading on the request from Merle and Gena Brandt to rezone a parcel that is dual zoned Rural Transition District (RT) and Moderate Density Residential

District (MD) to a Moderate Density Residential District (MD). Said property is legally described as W538.5 feet of the S370.28 of the N489.28 lying adjacent to Plank's Addition and Lots 15, 16 and 17, S4-T93N-R56W.

Action 23385Z: A motion was made by Klimisch and seconded by Heine to approve Rezone request from Merle and Gena Brandt. All present voted aye; motion carried, 5-0.

Action 23386Z: A motion was made by Klimisch and seconded by Heine to adopt the following resolution: Whereas it appears, Yosvany Cordero Diaz, owner of record, has caused a plat to be made of the following real property: Tract A and Tract B, Lot 1 Block 1, Parcel 1, SW1/4, NE1/4, S14-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, S.D., County of Yankton, S.D. and has submitted such plat to the Yankton County Planning Commission and Yankton County Commission for approval. Now therefore be it resolved that such plat has been executed according to law and conforms to all existing applicable zoning, subdivision and erosion and sediment control and the same is hereby approved. The County Auditor is hereby authorized and directed to endorse on such the proper resolution and certify the same. All present voted aye; motion carried, 5-0.

Action 23387Z: A motion was made by Fox and seconded by Marquardt to adopt the following resolution: Whereas it appears, Gary Koble, owner of record, has caused a re-plat to be made of the following real property: of Lots 1, 2, 3, 4, 5 and 6 Block 3, Beaver Beach Park, NW1/4, SE1/4, S27-T95N-R56W, to be hereafter known as CMP 1st Addition, NW1/4, SE1/4, S27-T95N-R56W, hereinafter referred to as Central Township, County of Yankton, S.D., and has submitted such plat to the Yankton County Planning Commission and Yankton County Commission for approval. Now therefore be it resolved that such plat has been executed according to law and conforms to all existing applicable zoning, subdivision and erosion and sediment control and the same is hereby approved. The County Auditor is hereby authorized and directed to endorse on such the proper resolution and certify the same. All present voted aye; motion carried, 5-0.

Action 23388Z: A motion was made by Klimisch and seconded by Fox to adopt following resolution: Whereas it appears, Phil Spady, owner of record, has caused a plat to be made of the following real property: Lot 15A, Thon's Addition, S1/2, E1/2, W1/2, NW1/4, S15-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, S.D., and has submitted such plat to the Yankton County Planning Commission and Yankton County Commission for approval. Now therefore be it resolved that such plat has been executed according to law and conforms to all existing applicable zoning, subdivision and erosion and sediment control and the same is hereby approved. The County Auditor is hereby authorized and directed to endorse on such the proper resolution and certify the same. All present voted aye; motion carried, 5-0.

Action 23389Hwy: A motion was made by Heine and seconded by Fox to approve the Resolution 23-09. All present voted aye; motion carried, 5-0.

**RESOLUTION 23-09
FEDERAL LANDS ACCESS PROGRAM**

YANKTON COUNTY

WHEREAS the Yankton County endorses the proposed Federal Lands Access Program (FLAP) application, which consists of developing a feasibility study and master plan to provide better access to the Missouri National Recreational River; and

WHEREAS the project will comply with all program requirements; and

WHEREAS the Yankton of County will assist in project coordination.

NOW THEREFORE BE IT RESOLVED by the Yankton County Commission that it will sponsor the Federal Lands Access Program grant application; and

BE IT FURTHER RESOLVED that the Yankton County Commission will provide the administrative assistance needed to ensure compliance with all grant requirements.

Recorded this 21st day of November, 2023.

Don Kettering/s/ - Chairman
Yankton County Commission

ATTEST
Karen Faerber/s/
Deputy Auditor

Action 23390C: A motion was made by Fox and seconded by Heine to approve the November 07, 2023 meeting minutes with correction of Action 23373C should have stated Fire and Ice, LLC instead of Hebda Family Produce. All present voted aye; motion carried, 5-0.

Action 23391C: A motion was made by Fox and seconded Heine to approve the following claims: **Commissioners:** Clarity Telecom, LLC (Utilities) \$50.50; Child & Family Services-Sioux Falls (Other) \$276.00; Yankton Daily Press & Dakotan (Publishing) \$904.53; **Elections:** Qualified Presort Services (Supplies) \$55.90; **Court:** Avera Sacred Heart Hospital (Lab) \$736.00; Patricia LaCroix (Minor) \$150.00; Josette Lindahl (Prof Services) \$1,500.00; Resolute Law Firm, P.C. (Prof Services) \$9,523.32; Grand Jury (Fees) \$432.64; Witnesses (Fees) \$99.16; Department of Health (Lab) \$1,615.00; Dean Schaefer (Prof Services) \$841.00; Thomson Reuters-West (Supplies) \$1,040.42; **Auditor:** Andersen Telecom, LLC (Prof Services) \$100.00; Clarity Telecom, LLC (Utilities) \$121.00; LEAF (Rentals) \$183.35; McLeod's Printing & Office Supply (Supplies) \$230.00; Qualified Presort Services (Supplies) \$255.38; Thomson Reuters-West (Supplies) \$172.11; **Treasurer:** Clarity Telecom, LLC (Utilities) \$198.10; Qualified Presort Services (Supplies) \$261.71; **Data:** Andersen Telecom, LLC (Prof Services) \$494.90; Clarity Telecom, LLC (Utilities) \$718.82; First Bankcard (Maintenance) \$3,726.78; **States Attorney:** Andersen Telecom, LLC (Maintenance)

\$200.00; Century Business Products (Rentals) \$200.97; Century Business Products (Maintenance) \$157.02; Deb Lillie (Diversion Expense) \$250.00; NDAA Insurance Services (Insurance) \$3,647.00; Culligan (Supplies) \$17.00; John Billings (Travel) \$388.00; State Bar of South Dakota (Travel) \$955.00; Susan Adam (Prof Services) \$366.98; Tyler Larsen (Travel) \$808.58; Lewis & Clark Behavioral Health Services (Diversion Expense) \$55.00; Qualified Presort Services (Supplies) \$30.99; Thomson Reuters-West (Supplies) \$201.58; Yankton Daily Press & Dakotan (Publishing) \$129.31; **Government Center:** Clarity Telecom, LLC (Utilities) \$25.25; Midwestern Mechanical, Inc. (Maintenance) \$120.00; City of Yankton-Landfill (Maintenance) \$5.50; Johnson Controls, Inc. (Maintenance) \$6,338.28; JCL Solutions (Supplies) \$179.90; Menards (Supplies) \$151.00; MidAmerican Energy (Utilities) \$800.83; **Director of Equalization:** Andersen Telecom, LLC (Maintenance) \$100.00; IAAO (Travel) \$720.00; Clarity Telecom, LLC (Utilities) \$193.50; NAPA Auto Parts of Yankton (Maintenance) \$152.97; SDAAO (Travel) \$300.00; Dakota Battery, LLC (Maintenance) \$285.90; ESRI (Maintenance) \$2,350.00; First Bankcard (Supplies) \$79.88; First Bankcard (Travel) \$340.00; Michelle Goeken (Travel) \$136.68; Graham Tire-Yankton (Maintenance) \$738.12; Aumentum Technologies (Maintenance) \$12,795.31; Micofilm Imaging Systems (Maintenance) \$120.00; Qualified Presort Services (Supplies) \$35.40; One Office Solution (Maintenance) \$118.01; **Register of Deeds:** Clarity Telecom, LLC (Utilities) \$171.89; Qualified Presort Services (Supplies) \$51.65; One Office Solution (Supplies) \$57.50; One Office Solution (Maintenance) \$48.07; **Veterans Service Office:** Clarity Telecom, LLC (Utilities) \$25.25; LEAF (Rentals) \$59.15; Qualified Presort Services (Supplies) \$15.64; **Safety Center Building:** Clarity Telecom, LLC (Utilities) \$835.35; City of Yankton (Dumpster Fees) \$152.00; Cole Papers, Inc. (Supplies) \$529.66; Midwest Mechanical, Inc. (Maintenance) \$275.00; Johnson Controls, Inc. (Maintenance) \$6,338.28; Menards (Supplies) \$398.51; Menards (Maintenance) \$56.48; MidAmerican Energy (Utilities) \$680.03; **Sheriff:** City of Yankton (Fuel) \$2,257.61; GR-Emergency Vehicle Outfitters (Maintenance) \$1,150.00; Wolfcom Enterprises (Law Enforcement Equipment) \$3,998.20; Menards (Maintenance) \$.98; Qualified Presort Services (Maintenance Contract) \$206.36; Security Shredding Services (Maintenance) \$40.00; One Office Solution (Maintenance Contract) \$70.26; One Office Solution (Supplies) \$100.84; **County Jail:** Avera Sacred Heart Hospital (Prof Services) \$6,069.54; Avera Medical Group (Prof Services) \$1,119.00; Scott Family Dentistry, Inc. (Prof Services) \$438.00; Charm-Tex (Supplies) \$710.40; Clay County Sheriff's Department (Prof Services) \$70.00; Hobart Service (Maintenance) \$395.00; McKesson Medical-Surgical, Inc. (Supplies) \$202.35; Trinity Services Group (Food Service) \$10,321.38; Septic Service of SD-Yankton (Maintenance) \$371.70; EZ Duz it Laundry (Prof Services) \$33.00; Avera Medical Group Hospital (Prof Services) \$157.06; Avera Medical Group Radiology (Prof Services) \$463.66; Avera Medical Group Family Medicine (Prof Services) \$219.60; Stericycle, Inc. (Prof Services) \$280.37; Jacks Uniforms & Equipment (Uniforms) \$466.68; JCL Solutions (Supplies) \$177.40; Correctional Risk Services (Inmate Insurance) \$2,480.00; Pennington County Jail (Travel) \$776.15; Siouxland Oral & Maxillofacial Surgery (Prof Services) \$1,138.00; One Office Solution (Supplies) \$333.63; Yankton Rexall Drug Co. (Prof Services) \$2,306.80; **Juvenile Detention:** Minnehaha County Juvenile Detention Center (Rentals) \$20,098.04; Minnehaha County Juvenile Detention Center (Prof Services) \$77.00; **Yankton Area Search and Rescue:** City of Yankton (Supplies) \$28.39; NAPA Auto Parts of Yankton (Equipment Grant) \$197.96; First Bankcard

(Supplies) \$210.43; Truck-Trailer Sales & Service (Services) \$1,036.40; **Care of Poor:** Andersen Telecom, LLC (Prof Services) \$275.00; Qualified Presort Services (Supplies) \$98.25; **Public Health Nurse:** Clarity Telecom, LLC (Utilities) \$201.84; Everbank, N.A. (Rentals) \$58.51; Qualified Presort Services (Supplies) \$22.96; **Ambulance:** Avera Health dba Avera Staffing Solutions (Supplies) \$219.00; Avera Sacred Heart Hospital (Supplies) \$1,248.54; Andersen Telecom, LLC (Maintenance) \$900.00; Clarity Telecom, LLC (Utilities) \$140.92; Bound Tree Medical, LLC (Supplies) \$1,215.19; City of Yankton (Supplies) \$1,202.43; Credit Collection Services (Prof Services) \$66.00; Quick Med Claims (Prof Services) \$2,050.24; Valvoline Instant Oil Change (Maintenance) \$110.86; Auto Mastery (Maintenance) \$215.58; First Bankcard (Travel) \$286.51; First Bankcard (Supplies) \$466.88; First Bankcard (Prof Services) \$181.49; Gayville First Responders (First Responder Supplies) \$1,030.00; Investigative Services (Prof Services) \$174.00; Irene First Responders (First Responder Supplies) \$1,030.00; LEAF (Rentals) \$105.18; Lake Area First Responders (First Responder Supplies) \$1,030.00; Lesterville First Responders (First Responder Supplies) \$1,030.00; Menards (Supplies) \$156.23; Volin First Responders (First Responder Supplies) \$1,030.00; Yankton Daily Press & Dakotan (Publishing) \$272.68; **Mentally Handicapped:** SD Achieve dba Lifescape (Misc.) \$120.00; **Mental Illness Board:** Val Larson (Hearings) \$6.00; Mark Katterhagen (Hearings) \$6.00; Lewis & Clark Behavioral Health Services (Hearings) \$1,065.00; Luci Lewno (Hearings) \$232.25; **County Extension:** Clarity Telecom, LLC (Utilities) \$373.91; Katie Doty (4-H) \$94.99; South Dakota State 4-H (4-H) \$132.00; Yankton County Leaders Association (Grounds Maintenance) \$3,070.59; **Weed:** First Bankcard (Supplies) \$20.12; One Office Solution (Supplies) \$17.51; **Planning and Zoning:** Andersen Telecom, LLC (Prof Services) \$175.00; Clarity Telecom, LLC (Utilities) \$50.50; First Bankcard (Supplies) \$66.37; Microfilm Imaging Systems (Maintenance) \$70.00; Qualified Presort Services (Supplies) \$15.71; Yankton Daily Press & Dakotan (Publishing) \$83.29; **Highway:** Appera (Supplies) \$154.74; C & B Operations, LLC (Maintenance) \$167.58; Butler Machinery Co. (Maintenance) \$1,165.99; Clarity Telecom, LLC (Utilities) \$101.00; Presto-X (Maintenance) \$144.01; Rockmount Research & Alloys (Supplies) \$679.35; NAPA Auto Parts of Yankton (Maintenance) \$108.35; NAPA Auto Parts of Yankton (Supplies) \$626.55; CenturyLink (Utilities) \$73.56; CHS, Inc. (Highway Fuel) \$31,778.00; CM Tools, LLC (Supplies) \$127.50; Denker Tool Service (Supplies) \$484.98; Dakota Battery LLC (Supplies) \$144.95; S & S Equipment, Inc. (Supplies) \$1,337.21; Farm & Home Publishers, Inc. (Publishing) \$70.25; First Bankcard (Supplies) \$351.53; First Bankcard (Travel) \$250.00; Graham Tire-Yankton (Supplies) \$12,067.55; Janssen's Garbage Service (Utilities) \$50.00; Menards (Supplies) \$64.98; Yankton County Observer (Publishing) \$24.86; Riverside Hydraulics & Labs (Maintenance) \$856.05; Spencer Quarries, Inc. (Secondary Roads) \$12,140.74; Truck-Trailer Sales & Service (Maintenance) \$20.50; Team Laboratory Chemical Corp. (Supplies) \$1,015.00; Midwest Tire Admin-/TMA Stores (Maintenance) \$2,400.64; One Office Solution (Supplies) \$17.51; Yankton Janitorial Supplies (Supplies) \$282.85; B-Y Water District (Utilities) \$85.50; **E911:** Clarity Telecom, LLC (Utilities) \$116.08; CenturyLink (Utilities) \$83.20; Golden West Telecommunications (Utilities) \$147.21; Midco Business (Utilities) \$854.54; **Emergency Management:** B-Y Electric (Utilities) \$54.00; Electair, Inc. dba Kaiser Heating & Cooling (Maintenance) \$101.36; First Bankcard (Supplies) \$640.82; First Bankcard (Prof Services) \$235.25; First Bankcard (Maintenance) \$180.54; First Bankcard

(LEPC Supplies) \$422.14; LEAF (Rentals) \$127.44; Midcontinent Communications (Utilities) \$182.84; Midwest Card & ID Solutions (Prof Services) \$2,900.00; MidAmerican Energy (Utilities) \$15.24; Tabor Lumber Coop. (Supplies) \$429.76; **County Buildings:** Culligan (Misc.) \$219.00; ECHO Group (Misc.) \$650.00; Floor Tec (Misc.) \$437.83; Jim Flynn Flowing Flags (Misc.) \$276.00; Mead Lumber (Misc.) \$1,327.32; Menards (Misc.) \$76.61; **24/7:** Pharm-Chem, Inc. (Supplies) \$5,310.21; Redwood Toxicology Laboratories (Supplies) \$30.00; **M & PR Fund:** Andersen Telecom, LLC (Other) \$102.04; **Non-Departmental:** BOKF, N.A. (Debt Service) \$599,540.00; Satellite Tracking of People (Tracking Monitors) \$276.25; Sobriety Testing Refund (CAM Daily Fee) \$55.00; Byron Nogelmeier (CAM Daily Fee) \$2,820.00; Yankton Daily Press & Dakotan (Fire/Road District Publishing) \$45.80; Sobriety Testing Refund (State Participation Fee) \$25.00; Byron Nogelmeier (State Participation Fee) \$126.00; Ambulance Refunds (Fees) \$1,220.62; Marlow, Woodward & Huff, LLC (Sheriff Fees) \$52.50; South Dakota Department of Revenue (Motor Vehicle Fees) \$446,787.63 South Dakota Department of Revenue (Waste Fee) \$4,069.50; South Dakota Department of Revenue (ROD Fees) \$1,870.00; South Dakota Department of Revenue (HSC-Services) \$2,423.26; South Dakota Department of Revenue (Services-Redfield) \$180.00; South Dakota Department of Revenue (Predatory Animal) \$1,368.86; SDACO (M & PR Fund) \$384.00. General Fund \$145,531.48; Road & Bridge \$66,791.73; Emergency Management \$5,289.39. All present voted aye; motion carried, 5-0.

Action 23392C: A motion was made by Klimisch and seconded by Marquardt to approve the following claim: **Court:** Harmelink & Fox (Prof Services) \$1,782.03. Voting Aye: Marquardt, Heine, Klimisch and Kettering. Fox abstained; motion carried, 4-0

Action 23393AUD: A motion was made by Klimisch and seconded by Fox to approve the Auditor's Monthly Settlement with the Treasurer and Pooled Cash Report as of October 31, 2023 showing Total Cash of \$23,678,751.54. The General Fund was \$10,381,119.61; Special Funds were \$2,278,105.23; and Trust and Agency Funds were \$11,019,526.70 adding to a Grand Total of General Ledger Cash and Investments of \$23,678,751.54. A detailed report is on file with the County Auditor. All present voted aye; motion carried, 5-0.

Action 23394C: A motion was made by Klimisch and seconded by Fox to recess the regular session at 7:40 p.m. and convene in executive session to discuss a personnel issue pursuant to SDCL 1-25-2(1). All present voted aye; motion carried, 5-0.

No action was taken on personnel issue.

Action 23395C: A motion was made by Klimisch and seconded by Fox to adjourn the executive session at 8:00 p.m. and reconvene in regular session. All present voted aye; motion carried, 5-0.

Action 23396C: A motion was made by Klimisch and seconded by Fox to adjourn. All present voted aye; motion carried, 5-0.

The next regular meeting will be Tuesday, December 5, 2023 at 6:00 p.m.

Don Kettering, Chairman
Yankton County Commission

ATTEST:
Karen Faerber, Deputy County Auditor
Yankton County

THIS CHECK HAS A TRUE WATERMARK, CHEMICAL SENSITIVITY, VISIBLE & FLUORESCENT FIBERS & A SECURITY BACKGROUND

AP1

12055290 01

STATE of SOUTH DAKOTA

OFFICE of STATE AUDITOR

Pierre, South Dakota

Void After 180 Days From Date of Issue

DATE: 11/17/2023

WARRANT NO:

PAY TO THE ORDER OF

YANKTON COUNTY SHERIFF OFFICE
410 WALNUT STREET
STE 104
YANKTON SD 57078-4313

*****24,022.00

PAYABLE THROUGH

FIRST PREMIER BANK

STOUX FALLS, SD 57104

TWENTY-FOUR THOUSAND TWENTY-TWO DOLLARS AND NO CENTS



Richard L. Sattgast
RICHARD L. SATTGAST
STATE AUDITOR

101521143500
Anticipated Revenue

James River Water Development District

PO Box 849
Huron, SD 57350
(605) 352-0600



78-948/914

11/15/2023

PAY TO THE ORDER OF Yankton County Highway Department

\$ **37,351.78

Thirty-Seven Thousand Three Hundred Fifty-One and 78/100*****

DOLLARS

Yankton County Highway Department
3302 W City Limits Road
Yankton, SD 57078

[Handwritten Signature]
AUTHORIZED SIGNATURE

MEMO Riprap at NW Jim River Road

201531142900
UN anticipated

Security features. Details on back.

12/01/2023 1:54 PM

DIRECT PAYABLES DEPARTMENT PAYMENT REGISTER

PAGE: 1

VENDOR SET: 01 Yankton County

ITEMS PRINTED: PAID, UNPAID

PACKET: 02314 KASI'S CLAIMS - 12-05-202

FUND : 101 GENERAL FUND

DEPARTMENT: 111 COMMISSIONERS

BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-14001	YANKTON COUNTY OBSERVER	I-202312011442	101-5-111-42300	PUBLISHING - COMMISSION		181.69
01-18692	SHERATON - SIOUX FALLS	I-202311301418	101-5-111-42700	TRAVEL - COMMISSION		119.00

DEPARTMENT 111 COMMISSIONERS TOTAL: 300.69

12/01/2023 1:54 PM
VENDOR SET: 01 Yankton County
PACKET: 02314 KASI'S CLAIMS - 12-05-202
FUND : 101 GENERAL FUND
DEPARTMENT: 120 ELECTIONS

DIRECT PAYABLES DEPARTMENT PAYMENT REGISTER

PAGE: 2
ITEMS PRINTED: PAID, UNPAID

BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-16017	QUALIFIED PRESORT SERVI	I-202312011495	101-5-120-42600	SUPPLIES - ELECTION		57.89
01-21042	VERIZON	I-202312011451	101-5-120-42400	RENTALS - ELECTION		280.07
DEPARTMENT 120 ELECTIONS					TOTAL:	337.96

12/01/2023 1:54 PM
 DIRECT PAYABLES DEPARTMENT PAYMENT REGISTER
 VENDOR SET: 01 Yankton County
 PACKET: 02314 KASI'S CLAIMS - 12-05-202
 FUND : 101 GENERAL FUND
 DEPARTMENT: 130 COURT

PAGE: 3
 ITEMS PRINTED: PAID, UNPAID

BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-01228	BLACKBURN & STEVENS PRO	I-202312011486	101-5-130-42230	MINOR - COURT		1,776.20
01-02155	CERTIFIED LANGUAGES INT	I-202311301420	101-5-130-42200	PROF SERVICES - COURT		193.05
01-03156	COMPUTER FORENSIC RESOU	I-202311301433	101-5-130-42200	PROF SERVICES - COURT		735.00
01-03989	YOUNGBERG LAW, PROF. LL	I-202311301428	101-5-130-42200	PROF SERVICES - COURT		2,650.00
01-03990	FOX LAW FIRM, PLLC	I-202311301436	101-5-130-42200	PROF SERVICES - COURT		2,650.00
			101-5-130-42210	JUROR FEES - COURT		57.14
			101-5-130-42210	JUROR FEES - COURT		55.10
			101-5-130-42210	JUROR FEES - COURT		55.10
			101-5-130-42210	JUROR FEES - COURT		58.16
			101-5-130-42210	JUROR FEES - COURT		55.10
			101-5-130-42210	JUROR FEES - COURT		53.06
			101-5-130-42210	JUROR FEES - COURT		52.04
			101-5-130-42210	JUROR FEES - COURT		67.34
01-07755	HORN LAW OFFICE LLC	I-202311301421	101-5-130-42200	PROF SERVICES - COURT		13,250.00
01-18801	DEAN SCHAEFER	I-202311301434	101-5-130-42200	PROF SERVICES - COURT		396.00
DEPARTMENT 130 COURT					TOTAL:	22,103.29

12/01/2023 1:54 PM
VENDOR SET: 01 Yankton County
PACKET: 02314 KASI'S CLAIMS - 12-05-202
FUND : 101 GENERAL FUND
DEPARTMENT: 141 AUDITOR

DIRECT PAYABLES DEPARTMENT PAYMENT REGISTER

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ITEMS PRINTED: PAID, UNPAID

BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-16017	QUALIFIED PRESORT SERVI	I-202312011490	101-5-141-42600	SUPPLIES - AUDITOR		172.50
DEPARTMENT 141 AUDITOR					TOTAL:	172.50

12/01/2023 1:54 PM
VENDOR SET: 01 Yankton County
PACKET: 02314 KASI'S CLAIMS - 12-05-202
FUND : 101 GENERAL FUND
DEPARTMENT: 142 TREASURER

DIRECT PAYABLES DEPARTMENT PAYMENT REGISTER

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ITEMS PRINTED: PAID, UNPAID

BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-00928	ANDERSEN TELECOM LLC	I-202312011476	101-5-142-42500	MAINTENANCE - TREASURER		100.00
01-16017	QUALIFIED PRESORT SERVI	I-202312011489	101-5-142-42600	SUPPLIES - TREASURER		640.81
DEPARTMENT 142 TREASURER					TOTAL:	740.81

12/01/2023 1:54 PM
VENDOR SET: 01 Yankton County
PACKET: 02314 KASI'S CLAIMS - 12-05-202
FUND : 101 GENERAL FUND
DEPARTMENT: 143 DATA PROCESSING

DIRECT PAYABLES DEPARTMENT PAYMENT REGISTER

PAGE: 6
ITEMS PRINTED: PAID, UNPAID

BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-00928	ANDERSEN TELECOM LLC	I-202312011474	101-5-143-42200	PROF SERVICES - DATA		321.94
DEPARTMENT 143 DATA PROCESSING					TOTAL:	321.94

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DIRECT PAYABLES DEPARTMENT PAYMENT REGISTER

PAGE: 7

VENDOR SET: 01 Yankton County

ITEMS PRINTED: PAID, UNPAID

PACKET: 02314 KASI'S CLAIMS - 12-05-202

FUND : 101 GENERAL FUND

DEPARTMENT: 151 STATES ATTORNEY

BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-21042	VERIZON	I-202312011449	101-5-151-42800	UTILITIES - STATES ATTY		84.22

DEPARTMENT 151 STATES ATTORNEY TOTAL: 84.22

12/01/2023 1:54 PM
 DIRECT PAYABLES DEPARTMENT PAYMENT REGISTER
 VENDOR SET: 01 Yankton County
 PACKET: 02314 KASI'S CLAIMS - 12-05-202
 FUND : 101 GENERAL FUND
 DEPARTMENT: 161 GOVERNMENT CENTER

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 ITEMS PRINTED: PAID, UNPAID

BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-01011	BOMGAARS	I-202312011488	101-5-161-42500	MAINTENANCE - GOVT CENTER		94.97
01-02001	CITY OF YANKTON	I-202311301429	101-5-161-42800	UTILITIES - GOVT CENTER		2,155.53
01-09287	JCL SOLUTIONS	I-202312011480	101-5-161-42600	SUPPLIES - GOVT CENTER		161.38
01-13001	NORTHWESTERN ENERGY	I-202312011461	101-5-161-42800	UTILITIES - GOVT CENTER		2,544.89
01-14005	OLSON'S PEST TECHNICIAN	I-202312011457	101-5-161-42500	MAINTENANCE - GOVT CENTER		84.00
01-14055	OTIS ELEVATOR COMPANY	I-202311301427	101-5-161-42500	MAINTENANCE - GOVT CENTER		958.98
DEPARTMENT 161 GOVERNMENT CENTER					TOTAL:	5,999.75

12/01/2023 1:54 PM
VENDOR SET: 01 Yankton County
PACKET: 02314 KASI'S CLAIMS - 12-05-202
FUND : 101 GENERAL FUND
DEPARTMENT: 162 DIRECTOR OF EQUALIZATION

DIRECT PAYABLES DEPARTMENT PAYMENT REGISTER

PAGE: 9
ITEMS PRINTED: PAID, UNPAID

BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-00228	SOUTHGATE	I-202311301407	101-5-162-42500	MAINTENANCE - DOE		240.00
01-00928	ANDERSEN TELECOM LLC	I-202312011475	101-5-162-42500	MAINTENANCE - DOE		225.00
01-09061	JJ BENJI	I-202311301426	101-5-162-42600	SUPPLIES - DOE		337.00
01-16017	QUALIFIED PRESORT SERVI	I-202312011491	101-5-162-42600	SUPPLIES - DOE		79.67
01-22101	ANDREA WRIGHT	I-202311301417	101-5-162-42700	TRAVEL - DOE		34.00
DEPARTMENT 162 DIRECTOR OF EQUALIZATI TOTAL:						915.67

12/01/2023 1:54 PM
VENDOR SET: 01 Yankton County
PACKET: 02314 KASI'S CLAIMS - 12-05-202
FUND : 101 GENERAL FUND
DEPARTMENT: 163 REGISTER OF DEEDS

DIRECT PAYABLES DEPARTMENT PAYMENT REGISTER

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ITEMS PRINTED: PAID, UNPAID

BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-16017	QUALIFIED PRESORT SERVI	I-202312011492	101-5-163-42600	SUPPLIES - ROD		59.22
DEPARTMENT 163 REGISTER OF DEEDS					TOTAL:	59.22

12/01/2023 1:54 PM
VENDOR SET: 01 Yankton County
PACKET: 02314 KASI'S CLAIMS - 12-05-202
FUND : 101 GENERAL FUND
DEPARTMENT: 165 VETERANS SERVICE OFFICER

DIRECT PAYABLES DEPARTMENT PAYMENT REGISTER

PAGE: 11
ITEMS PRINTED: PAID, UNPAID

BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-21042	VERIZON	I-202312011448	101-5-165-42800	UTILITIES - VSO		42.11
01-21042	VERIZON	I-202312011452	101-5-165-42400	RENTALS - VSO		40.01
DEPARTMENT 165 VETERANS SERVICE OFFIC TOTAL:						82.12

12/01/2023 1:54 PM
 DIRECT PAYABLES DEPARTMENT PAYMENT REGISTER
 VENDOR SET: 01 Yankton County
 PACKET: 02314 KASI'S CLAIMS - 12-05-202
 FUND : 101 GENERAL FUND
 DEPARTMENT: 169 SAFETY CENTER BUILDING

PAGE: 12
 ITEMS PRINTED: PAID, UNPAID

BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-00996	MARK'S	I-202311301425	101-5-169-42500	MAINTENANCE - SAFETY CENTER		196.10
01-01011	BOMGAARS	I-202312011487	101-5-169-42600	SUPPLIES - SAFETY CENTER		10.89
01-02001	CITY OF YANKTON	I-202311301430	101-5-169-42800	UTILITIES - SAFETY CENTER		711.29
01-02084	COLE PAPERS INC.	I-202312011481	101-5-169-42600	SUPPLIES - SAFETY CENTER		446.21
01-02084	COLE PAPERS INC.	I-202312011482	101-5-169-42600	SUPPLIES - SAFETY CENTER		96.32
01-12167	MENARDS	I-202312011464	101-5-169-42600	SUPPLIES - SAFETY CENTER		311.15
01-12167	MENARDS	I-202312011465	101-5-169-42500	MAINTENANCE - SAFETY CENTER		43.23
01-12371	MIDAMERICAN ENERGY	I-202312011463	101-5-169-42800	UTILITIES - SAFETY CENTER		1,604.25
01-13001	NORTHWESTERN ENERGY	I-202312011460	101-5-169-42800	UTILITIES - SAFETY CENTER		7,762.34

DEPARTMENT 169 SAFETY CENTER BUILDING TOTAL: 11,181.78

12/01/2023 1:54 PM
 DIRECT PAYABLES DEPARTMENT PAYMENT REGISTER
 VENDOR SET: 01 Yankton County
 PACKET: 02314 KASI'S CLAIMS - 12-05-202
 FUND : 101 GENERAL FUND
 DEPARTMENT: 211 SHERIFF

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 ITEMS PRINTED: PAID, UNPAID

BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-00928	ANDERSEN TELECOM LLC	I-202312011472	101-5-211-42530	COMPUTER SERVICE - SHERIFF		1,020.41
01-00928	ANDERSEN TELECOM LLC	I-202312011473	101-5-211-42530	COMPUTER SERVICE - SHERIFF		150.00
01-02631	CARDMEMBER SERVICES	I-202311301394	101-5-211-42700	TRAVEL - SHERIFF		119.09
01-02631	CARDMEMBER SERVICES	I-202311301395	101-5-211-43500	MINOR EQUIPMENT - SHERIFF		191.98
01-02631	CARDMEMBER SERVICES	I-202311301396	101-5-211-42600	SUPPLIES - SHERIFF		426.93
01-02631	CARDMEMBER SERVICES	I-202311301397	101-5-211-42500	MAINTENANCE - SHERIFF		28.66
01-02631	CARDMEMBER SERVICES	I-202311301398	101-5-211-42660	LAW ENFORCEMENT EQUIP. - SHER		624.94
01-04295	AT & T MOBILITY	I-202311301415	101-5-211-42520	MAINTENANCE CONTRACT - SHERIF		341.24
01-05295	FEDEX	I-202311301416	101-5-211-42200	PROF SERVICES - SHERIFF		24.63
01-07310	HANSEN LOCKSMITHING INC	I-202311301410	101-5-211-42600	SUPPLIES - SHERIFF		45.50
01-16017	QUALIFIED PRESORT SERVI	I-202312011496	101-5-211-42520	MAINTENANCE CONTRACT - SHERIF		160.76
01-18049	M.T. & R.C. SMITH INSUR	I-202312011484	101-5-211-42100	INSURANCE - SHERIFF		801.00
01-18051	SOUTH DAKOTA SHERIFF'S	I-202311301392	101-5-211-42520	MAINTENANCE CONTRACT - SHERIF		1,199.30
01-18412	STOPSTICK, LTD.	I-202311301409	101-5-211-42660	LAW ENFORCEMENT EQUIP. - SHER		48.00
01-18610	TWO WAY SOLUTIONS INC	I-202311301393	101-5-211-42500	MAINTENANCE - SHERIFF		150.00
01-19054	TRITECH SOFTWARE SYSTEM	I-202311301402	101-5-211-42520	MAINTENANCE CONTRACT - SHERIF		780.00
01-19054	TRITECH SOFTWARE SYSTEM	I-202311301404	101-5-211-42520	MAINTENANCE CONTRACT - SHERIF		6,617.82
DEPARTMENT 211 SHERIFF					TOTAL:	12,730.26

12/01/2023 1:54 PM
 DIRECT PAYABLES DEPARTMENT PAYMENT REGISTER
 VENDOR SET: 01 Yankton County
 PACKET: 02314 KASI'S CLAIMS - 12-05-202
 FUND : 101 GENERAL FUND
 DEPARTMENT: 212 COUNTY JAIL

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 ITEMS PRINTED: PAID, UNPAID

BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-00996	MARK'S	I-202311301424	101-5-212-42500	MAINTENANCE - JAIL		303.95
01-01873	OUTDOOR-FIT EXERCISE SY	I-202311301411	101-5-212-43500	MINOR EQUIPMENT - JAIL		149.00
01-02631	CARDMEMBER SERVICES	I-202311301399	101-5-212-43500	MINOR EQUIPMENT - JAIL		154.15
01-02631	CARDMEMBER SERVICES	I-202311301400	101-5-212-42640	UNIFORMS - JAIL		104.99
01-03678	TRINITY SERVICES GROUP	I-202311301408	101-5-212-42210	FOOD SERVICE - JAIL		5,054.24
01-04295	AT & T MOBILITY	I-202311301414	101-5-212-42520	MAINTENANCE CONTRACT - JAIL		160.62
01-04390	NCIC INMATE COMMUNICATI	I-202312011483	101-5-212-42600	SUPPLIES - JAIL		437.55
01-14005	OLSON'S PEST TECHNICIAN	I-202312011458	101-5-212-42500	MAINTENANCE - JAIL		155.00
01-19054	TRITECH SOFTWARE SYSTEM	I-202311301403	101-5-212-42520	MAINTENANCE CONTRACT - JAIL		1,372.14
01-19054	TRITECH SOFTWARE SYSTEM	I-202311301405	101-5-212-42520	MAINTENANCE CONTRACT - JAIL		2,913.52
DEPARTMENT 212 COUNTY JAIL					TOTAL:	10,805.16

12/01/2023 1:54 PM
VENDOR SET: 01 Yankton County
PACKET: 02314 KASI'S CLAIMS - 12-05-202
FUND : 101 GENERAL FUND
DEPARTMENT: 226 YANKTON AREA SEARCH & RES

DIRECT PAYABLES DEPARTMENT PAYMENT REGISTER

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ITEMS PRINTED: PAID, UNPAID

BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-00090	KOPETSKY'S ACE HARDWARE	I-202312011468	101-5-226-42600	SUPPLIES - YSAR		283.97
DEPARTMENT 226 YANKTON AREA SEARCH & TOTAL:						283.97

12/01/2023 1:54 PM
VENDOR SET: 01 Yankton County
PACKET: 02314 KASI'S CLAIMS - 12-05-202
FUND : 101 GENERAL FUND
DEPARTMENT: 411 CARE OF POOR

DIRECT PAYABLES DEPARTMENT PAYMENT REGISTER

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ITEMS PRINTED: PAID, UNPAID

BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-16017	QUALIFIED PRESORT SERVI	I-202312011494	101-5-411-42600	SUPPLIES - POOR RELIEF		66.26
DEPARTMENT 411 CARE OF POOR					TOTAL:	66.26

12/01/2023 1:54 PM
VENDOR SET: 01 Yankton County
PACKET: 02314 KASI'S CLAIMS - 12-05-202
FUND : 101 GENERAL FUND
DEPARTMENT: 421 PUBLIC HEALTH NURSE

DIRECT PAYABLES DEPARTMENT PAYMENT REGISTER

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ITEMS PRINTED: PAID, UNPAID

BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-16017	QUALIFIED PRESORT SERVI	I-202312011493	101-5-421-42600	SUPPLIES - NURSE		28.40
DEPARTMENT 421 PUBLIC HEALTH NURSE					TOTAL:	28.40

12/01/2023 1:54 PM
 DIRECT PAYABLES DEPARTMENT PAYMENT REGISTER
 VENDOR SET: 01 Yankton County
 PACKET: 02314 KASI'S CLAIMS - 12-05-202
 FUND : 101 GENERAL FUND
 DEPARTMENT: 424 AMBULANCE

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 ITEMS PRINTED: PAID, UNPAID

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VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-00090	KOPETSKY'S ACE HARDWARE	I-202312011470	101-5-424-42600	SUPPLIES - AMBULANCE		99.49
01-00311	SACRED HEART HEALTH SER	I-202311301423	101-5-424-42200	PROF SERVICES - AMBULANCE		1,500.00
01-00928	ANDERSEN TELECOM LLC	I-202312011477	101-5-424-42500	MAINTENANCE - AMBULANCE		200.00
01-02001	CITY OF YANKTON	I-202311301432	101-5-424-42800	UTILITIES - AMBULANCE		164.60
01-02690	CINTAS	I-202312011471	101-5-424-42500	MAINTENANCE - AMBULANCE		201.71
01-03820	AMAZON CAPITAL SERVICES	I-202311301422	101-5-424-42600	SUPPLIES - AMBULANCE		213.75
01-12167	MENARDS	I-202312011466	101-5-424-42600	SUPPLIES - AMBULANCE		779.13
01-12371	MIDAMERICAN ENERGY	I-202312011462	101-5-424-42800	UTILITIES - AMBULANCE		242.52
01-13001	NORTHWESTERN ENERGY	I-202312011459	101-5-424-42800	UTILITIES - AMBULANCE		838.07
01-14005	OLSON'S PEST TECHNICIAN	I-202312011456	101-5-424-42500	MAINTENANCE - AMBULANCE		119.00
01-19064	TIRE MUFFLER ALIGNMENT	I-202311301406	101-5-424-42500	MAINTENANCE - AMBULANCE		1,028.47
01-21042	VERIZON	I-202312011443	101-5-424-42800	UTILITIES - AMBULANCE		564.79

DEPARTMENT 424 AMBULANCE TOTAL: 5,951.53

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VENDOR SET: 01 Yankton County
PACKET: 02314 KASI'S CLAIMS - 12-05-202
FUND : 101 GENERAL FUND
DEPARTMENT: 445 MENTAL ILLNESS BOARD

DIRECT PAYABLES DEPARTMENT PAYMENT REGISTER

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ITEMS PRINTED: PAID, UNPAID

BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-01228	BLACKBURN & STEVENS PRO	I-202312011485	101-5-445-00000	HEARINGS - MENTAL ILLNESS		181.90
01-03990	FOX LAW FIRM, PLLC	I-202312011441	101-5-445-00000	HEARINGS - MENTAL ILLNESS		162.25
01-04100	FOX LAW FIRM, PLLC	I-202311301437	101-5-445-00000	HEARINGS - MENTAL ILLNESS		130.75
01-04365	BILL SCHAEFFER	I-202312011439	101-5-445-00000	HEARINGS - MENTAL ILLNESS		33.00
01-10118	MARK KATTERHAGEN	I-202312011438	101-5-445-00000	HEARINGS - MENTAL ILLNESS		33.00
01-11092	LUCILLE M. LEWNO	I-202311301435	101-5-445-00000	HEARINGS - MENTAL ILLNESS		20.00
01-11092	LUCILLE M. LEWNO	I-202312011440	101-5-445-00000	HEARINGS - MENTAL ILLNESS		496.63

DEPARTMENT 445 MENTAL ILLNESS BOARD TOTAL: 1,057.53

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VENDOR SET: 01 Yankton County
PACKET: 02314 KASI'S CLAIMS - 12-05-202
FUND : 101 GENERAL FUND
DEPARTMENT: 611 COUNTY EXTENSION

DIRECT PAYABLES DEPARTMENT PAYMENT REGISTER

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ITEMS PRINTED: PAID, UNPAID

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VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-00090	KOPETSKY'S ACE HARDWARE	I-202312011467	101-5-611-42900	SUPPLIES - EXTENSION		101.12
01-02001	CITY OF YANKTON	I-202311301431	101-5-611-42800	UTILITIES - EXTENSION		86.00
DEPARTMENT 611 COUNTY EXTENSION					TOTAL:	187.12

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VENDOR SET: 01 Yankton County
PACKET: 02314 KASI'S CLAIMS - 12-05-202
FUND : 101 GENERAL FUND
DEPARTMENT: 615 WEED

DIRECT PAYABLES DEPARTMENT PAYMENT REGISTER

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VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-02008	NAPA AUTO PARTS OF YANK	I-202311281382	101-5-615-42600	SUPPLIES - WEED		13.47
01-21042	VERIZON	I-202312011446	101-5-615-42800	UTILITIES - WEED		24.89
DEPARTMENT 615 WEED					TOTAL:	38.36

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 DIRECT PAYABLES DEPARTMENT PAYMENT REGISTER
 VENDOR SET: 01 Yankton County
 PACKET: 02314 KASI'S CLAIMS - 12-05-202
 FUND : 101 GENERAL FUND
 DEPARTMENT: 711 PLANNING & ZONING

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 ITEMS PRINTED: PAID, UNPAID

BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-21042	VERIZON	I-202312011447	101-5-711-42800	UTILITIES - ZONING		42.11
DEPARTMENT 711 PLANNING & ZONING					TOTAL:	42.11
FUND 101 GENERAL FUND					TOTAL:	73,490.65

12/01/2023 1:54 PM DIRECT PAYABLES DEPARTMENT PAYMENT REGISTER
 VENDOR SET: 01 Yankton County
 PACKET: 02314 KASI'S CLAIMS - 12-05-202
 FUND : 201 ROAD & BRIDGE
 DEPARTMENT: 311 HIGHWAY CONSTRUCTION & MA

PAGE: 23
 ITEMS PRINTED: PAID, UNPAID

BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-00928	ANDERSEN TELECOM LLC	I-202312011478	201-5-311-42200	PROF SERVICES - HWY		100.00
01-01011	BOMGAARS	I-202311281361	201-5-311-42600	SUPPLIES - HWY		44.97
01-01166	BUTLER MACHINERY CO.	I-202311281362	201-5-311-42500	MAINTENANCE - HWY		1,016.49
01-01772	TERRY SCHRAMM	I-202311281363	201-5-311-43900	SECONDARY ROADS - HWY		140,000.00
01-02001	CITY OF YANKTON	I-202311281364	201-5-311-42800	UTILITIES - HWY		50.00
01-02008	NAPA AUTO PARTS OF YANK	I-202311281365	201-5-311-42600	SUPPLIES - HWY		15.26
01-02058	KNIFE RIVER - SOUTH DAK	I-202311281366	201-5-311-42600	SUPPLIES - HWY		816.20
01-02157	CERTIFIED LABORATORIES	I-202311281367	201-5-311-42600	SUPPLIES - HWY		2,275.09
01-03116	DAKOTALAND AUTOGLASS, I	I-202311281368	201-5-311-42500	MAINTENANCE - HWY		1,049.23
01-03969	CM TOOLS LLC	I-202311281369	201-5-311-42600	SUPPLIES - HWY		63.25
01-04358	PLATINUM CHEMICALS, INC	I-202311281370	201-5-311-42600	SUPPLIES - HWY		1,714.00
01-05076	FISCHER GRAVEL	I-202311281371	201-5-311-42900	ANNUAL PROJECTS - HWY		180.00
01-05242	FASTENAL INDUSTRIAL & C	I-202311281372	201-5-311-42600	SUPPLIES - HWY		63.91
01-08014	I STATE TRUCK CENTER	I-202311281373	201-5-311-42600	SUPPLIES - HWY		804.71
01-10334	KIMBALL MIDWEST	I-202311281374	201-5-311-42600	SUPPLIES - HWY		265.43
01-11049	LEAF	I-202312011479	201-5-311-42600	SUPPLIES - HWY		124.98
01-14005	OLSON'S PEST TECHNICIAN	I-202311281375	201-5-311-42500	MAINTENANCE - HWY		1,400.00
01-17226	RIVERSIDE HYDRAULICS &	I-202311281376	201-5-311-42500	MAINTENANCE - HWY		36.24
01-17226	RIVERSIDE HYDRAULICS &	I-202311281377	201-5-311-42600	SUPPLIES - HWY		39.47
01-18242	SD DEPARTMENT OF TRANSP	I-202311281378	201-5-311-42903	BRIDGES - HWY		2,546.48
01-18471	SD ASSOC OF COUNTY HIGH	I-202311281379	201-5-311-42700	TRAVEL - HWY		350.00
01-18610	TWO WAY SOLUTIONS INC	I-202311281380	201-5-311-42500	MAINTENANCE - HWY		4,950.00
01-19005	TRUCK TRAILER SALES & S	I-202311281381	201-5-311-42600	SUPPLIES - HWY		64.00
01-21042	VERIZON	I-202312011445	201-5-311-42800	UTILITIES - HWY		60.05

DEPARTMENT 311 HIGHWAY CONSTRUCTION & TOTAL: 158,029.76

FUND 201 ROAD & BRIDGE TOTAL: 158,029.76

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 DIRECT PAYABLES DEPARTMENT PAYMENT REGISTER
 VENDOR SET: 01 Yankton County
 PACKET: 02314 KASI'S CLAIMS - 12-05-202
 FUND : 207 EMERGENCY 911 FUND
 DEPARTMENT: 225 LOCAL EMERGENCY PLANNING

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 ITEMS PRINTED: PAID, UNPAID

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VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-01200	CLARITY TELECOM, LLC	I-202312011454	207-5-225-42800	UTILITIES - E911		46.43
01-01200	CLARITY TELECOM, LLC	I-202312011455	207-5-225-42800	UTILITIES - E911		1,100.36
01-02692	CENTURYLINK	I-202311301413	207-5-225-42800	UTILITIES - E911		81.83
01-12132	MIDCONTINENT COMMUNICAT	I-202311301412	207-5-225-42800	UTILITIES - E911		125.39
DEPARTMENT 225 LOCAL EMERGENCY PLANNI TOTAL:						1,354.01
FUND 207 EMERGENCY 911 FUND TOTAL:						1,354.01

12/01/2023 1:54 PM DIRECT PAYABLES DEPARTMENT PAYMENT REGISTER
 VENDOR SET: 01 Yankton County
 PACKET: 02314 KASI'S CLAIMS - 12-05-202
 FUND : 226 EMERGENCY MANAGEMENT
 DEPARTMENT: 222 EMERGENCY MANAGEMENT

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 ITEMS PRINTED: PAID, UNPAID

BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-00090	KOPETSKY'S ACE HARDWARE	I-202312011469	226-5-222-42600	SUPPLIES - EDS		300.63
01-04120	VERIZON	I-202312011453	226-5-222-42800	UTILITIES - EDS		122.15
01-10258	GREAT AMERICA FINANCIAL	I-202311301419	226-5-222-42400	RENTALS - EDS		356.45
01-21042	VERIZON	I-202312011444	226-5-222-42800	UTILITIES - EDS		944.50
DEPARTMENT 222 EMERGENCY MANAGEMENT TOTAL:						1,723.73
FUND 226 EMERGENCY MANAGEMENT TOTAL:						1,723.73
REPORT GRA TOTAL:						234,598.15

DEPT: ALL
PAYROLL NO#: 01
PAY PERIOD BEGINNING: 11/01/2023
PAY PERIOD ENDING: 11/30/2023

*** G R A N D T O T A L S ***

-----EARNINGS-----			----BENF/REIMB----		-----DEDUCTIONS-----				-----TAXES-----			
DESC	HRS	AMOUNT	DESC	AMOUNT	CD	ABEV	EMPLOYEE	EMPLOYER	DESC	TAXABLE	EMPLOYEE	EMPLOYER
SAL	0.00	298,414.96	VEH	99.00	010	PENSU	1975.00		FED W/H	434,064.87	35,014.68	
HOUR	6,592.00	135,114.71			011	ROTH	3044.32		FICA	465,510.57	28,861.61	28861.61
OVERT	275.00	10,160.88			020	AFLAC	1066.03		MEDI	465,510.57	6,749.90	6749.90
VAC	675.00	6,256.77			030	COL	204.38					
SICK	367.25	2,298.75			050	OPTLG	284.42					
CELL	0.00	900.00			100	NRS	69.44					
SCKPO	0.00	443.10			11	SDRS6	16011.27	16011.27				
LONG	0.00	1,725.00			12	SDRS8	13389.99	13389.99				
VACPO	0.00	1,444.40			410	FLEXA	3768.15					
HOL	2,047.00	23,516.34			420	LIFE	290.69					
FNRL	10.00	278.50			430	FLEXC	411.56					
WC-2	80.50	1,810.45			440	VSP	510.66					
					450	DELTA	2327.96					
					460	MEDI	4105.31	3517.36				
					461	MEDI		27550.00				
					462	MEDI		703.47				
					463	MEDI		6525.00				
					464	HSA	2825.83					
					465	MEDI		14772.87				
					467	MEDI	2718.40					
					P7	SPOUS	188.46					
TOTALS:	10,046.75	482,363.86		99.00			53191.87	82469.96			70,626.19	35611.51

-----DEPARTMENT RECAP-----

DEPT NO#	GROSS	REGULAR	OVERTIME	LEAVE	OTHER	BENEFITS	DEDUCTIONS	TAXES	NET
101-111	6,104.70	6,104.70	0.00	0.00	0.00	0.00	0.00	572.14	5,532.56
101-141	19,930.66	19,730.66	0.00	0.00	200.00	0.00	2,364.60	3,212.39	14,353.67
101-142	18,663.94	14,990.71	0.00	3,673.23	0.00	0.00	1,515.63	2,921.70	14,226.61
101-151	38,296.63	38,296.63	0.00	0.00	0.00	0.00	2,783.18	6,074.38	29,439.07
101-161	8,368.42	6,684.66	331.37	1,195.39	100.00	57.00	1,008.64	1,018.04	6,284.74
101-162	19,707.68	19,557.68	0.00	0.00	150.00	0.00	3,318.25	2,507.88	13,881.55
101-163	16,217.90	16,017.90	0.00	0.00	200.00	0.00	1,048.07	2,600.16	12,569.67
101-165	3,729.88	3,051.72	0.00	678.16	0.00	0.00	507.66	355.01	2,867.21
101-169	7,619.76	6,488.18	0.00	1,081.58	50.00	0.00	675.44	1,038.80	5,905.52
101-211	66,315.90	63,881.98	1,815.82	0.00	618.10	0.00	8,918.40	8,952.40	48,445.10
101-212	85,291.06	79,531.52	5,759.54	0.00	0.00	0.00	10,859.31	11,864.33	62,567.42
101-213	350.00	300.00	0.00	0.00	50.00	0.00	0.00	56.78	293.22
101-421	3,349.96	3,349.96	0.00	0.00	0.00	0.00	490.72	447.27	2,411.97
101-424	68,964.60	58,532.87	1,897.88	8,533.85	0.00	0.00	5,738.62	10,098.38	53,127.60

DEPT: ALL

PAYROLL NO#: 01

PAY PERIOD BEGINNING: 11/01/2023

PAY PERIOD ENDING: 11/30/2023

-----DEPARTMENT RECAP-----

DEPT NO#	GROSS	REGULAR	OVERTIME	LEAVE	OTHER	BENEFITS	DEDUCTIONS	TAXES	NET
101-427	1,028.42	1,028.42	0.00	0.00	0.00	0.00	0.00	128.67	899.75
101-611	8,573.43	8,473.43	0.00	0.00	100.00	0.00	729.40	1,322.29	6,521.74
101-612	4,313.32	4,313.32	0.00	0.00	0.00	0.00	589.19	465.49	3,258.64
101-711	11,935.42	11,935.42	0.00	0.00	0.00	0.00	2,296.94	1,638.07	8,000.41
201-311	81,327.45	59,526.08	285.17	16,619.35	4,854.85	42.00	9,130.70	13,484.54	58,670.21
226-222	10,871.49	10,231.59	71.10	568.80	0.00	0.00	1,217.12	1,677.74	7,976.63
248-212	1,502.24	1,502.24	0.00	0.00	0.00	0.00	0.00	189.73	1,312.51
TOTALS	482,462.86	433,529.67	10,160.88	32,350.36	6,322.95	99.00	53,191.87	70,626.19	358,545.80

REGULAR INPUT: 138 MANUAL INPUT: 0 CHECK STUB COUNT: 0 DIRECT DEPOSIT STUB COUNT: 138



MEMORANDUM OF UNDERSTANDING

between

SDSU and Yankton County of South Dakota

2024

*In accordance with SDCL Chapter 13054, as amended, and in furtherance of Extension educational programs in Agriculture and Natural Resources, Family and Consumer Sciences, Community Development and 4-H Positive Youth Development with the complete understanding of all parties concerned. **South Dakota State University** on behalf of SDSU Extension (“SDSU”), and the Board of County Commissioners of **Yankton County** (the “County”) enter in the following:*

1. COOPERATIVE EDUCATIONAL PROGRAM DEVELOPMENT

The intent of SDSU is to allow the County to fund county employees to serve in the roles of 4-H Youth Program Advisor(s) and support staff. SDSU agrees to give guidance to the 4-H Youth Program Advisor(s) in determining and carrying out South Dakota 4-H (SD 4-H) and Youth Development educational programs that will be of greatest benefit to the people in the county. SDSU agrees to assist the 4-H Youth Program Advisor(s) in the conduct of their work by providing program planning and development, training, and subject matter support through Extension specialists, field specialists, publications, and technology information services.

As a result of this agreement, SDSU Extension expects that the County will fulfill the following expectations as they relate to the 4-H Youth Program Advisor role:

1. The County Extension Office, County 4-H Program, and 4-H Youth Program Advisor will follow all policies and procedures identified by the SDSU Extension and the State 4-H Office as necessary in delivering the 4-H program. The 4-H program cannot be offered in the County without an established and publicly identified relationship with SDSU Extension as well as this signed agreement.
2. It will be the responsibility of the 4-H Youth Program Advisor to interact with the SDSU Extension and the State 4-H Office on a regular basis. The 4-H Youth Program Advisor or designee will need to:
 - Have regular communication with staff in the State 4-H Office (by phone or email).
 - Return required paperwork, entries, data, and other requested information by identified deadline dates.
 - Implement and utilize 4-H Online and Fair Entry Data Management Systems.
 - Submit all data entry, enrollment information, and annual reports as required.
 - Implement a county 4-H Advisory Committee or equivalent according to state and federal guidelines.
 - Maintaining all records mandated for civil rights reporting as required by USDA and collected through SDSU Extension.
 - Implement the SDSU Extension State 4-H program priority mandates. Current program priorities include social, life, leadership, and workforce skill development.
 - Assist 4-H Field Specialists and State Staff in networking with and/or delivering information to county 4-H volunteers or youth-serving volunteers/agencies as identified.





2. PERSONNEL AND FINANCIAL RESPONSIBILITY OF COOPERATING COUNTY

The county 4-H Youth Program Advisor will be accountable for the county's 4-H presence at all state 4-H events. This includes, but is not limited to, attending the State Fair to assist with judging and activity management. This will come at county expense. All 4-H Youth Program Advisor positions across the state provide this service as an expectation within state 4-H operating procedure.

The county 4-H Youth Program Advisor will attend any statewide trainings mandated for 4-H personnel. Cost to attend these trainings will come at county expense. In-person trainings generally occur two or more times annually, including SDSU Extension Fall Conference and 4-H Spring Training.

3. NAME AND EMBLEM REQUIREMENTS

The county 4-H program must follow all articulated federal and state guidelines for proper use of the 4-H name and emblem (i.e., Clover) which also includes proper identification and linkage to the SDSU Extension 4-H program including its identified logos. While reference should be given to Yankton County 4-H, as has always been the case, publicity and public references to the 4-H program must include identification to SDSU Extension and South Dakota 4-H. Access to 4-H programming and use of the Clover cannot be given without direct identification to the Land Grant University system offering the program to the local entity.

Failure to follow any of the identified items in this Memorandum results in the loss of use of the 4-H Clover at the county level and the subsequent ability to offer the 4-H program.

4. ACCESS TO CONFIDENTIAL DATA

County 4-H data is the property of the State 4-H program and consequently, SDSU. Access to SDSU data and communications, whether it resides on county-owned or SDSU-owned equipment, shall be restricted to SDSU personnel or their respective designees. As stated in the South Dakota Board of Regents Acceptable Use Policy, information resources and technology should be used to support the operations and missions of the South Dakota Regental System. Accordingly, the SDSU Office of Technology and Security will investigate any and all allegations of misuse of technology by personnel or designees. Allegations of misuse of technology on county-owned equipment by personnel or designees will be investigated jointly by the SDSU Office of Technology and Security and the appropriate county personnel. SDSU will work with individual counties as requested to establish a standard Third Party Agreement to address network access concerns.

5. COOPERATIVE PERSONNEL EMPLOYMENT POLICY

The County agrees that the individual hired in the role of 4-H Youth Program Advisor(s) will hold a Bachelor's Degree in one of the following degree areas: Agriculture, Family Consumer Sciences, Child and/or Youth Development, or related field. Documentation of degree must be forwarded to the State 4-H Program Director before the start date of newly hired 4-H Youth Program Advisors.

Further, the County agrees to involve SDSU Extension in all hiring processes of 4-H Youth Program Advisors to participate in recommending approval or rejection of the candidate's employment by the County. The employment policies of SDSU and parties to this cooperative agreement are required to conform to provisions of the Civil Rights Act of 1964 and related amendments thereto prohibiting discrimination. County hired 4-H Youth Program Advisors must consent to a background check conducted by SDSU at the county's cost.

Should a question be raised by the State 4-H Office or the County as to one or more of these agreement points not being met sufficiently, a meeting will be called between the county 4-H Youth Program Advisor, a representative of the County Commission, a representative of the county 4-H Leaders Association, and the SDSU Extension 4-H County Operations and Professional Development Program Manager. The purpose of the meeting will be to assess the situation and issues of





concern. The intent of the meeting will be to identify resolution criteria so that permission for use of the 4-H Clover can be continued.

6. CONDITIONS FOR ACCESS AND USE OF COUNTY FACILITIES

The County and SDSU recognize the positive impacts SD 4-H Programs have on the youth in the County and the local Community in general. By providing opportunities for educational and personal growth among the County's Youth, the County benefits from maintaining and strengthening the social bonds of the Community as a whole. Therefore, the County agrees to allow SDSU to host SD 4-H Youth Program events at appropriate facilities owned by the County or operated by a third party for the benefit of the County. At the County's request, SDSU will require SD 4-H Youth Program participants to sign waivers of liability and hold harmless as a condition to participate in an event.

7. LIABILITY COVERAGE

SDSU is subject to the limitations of liability set forth in SDCL Chs. 3-21 and 3-22 and the PEPL fund agreement thereto. Currently, the PEPL Agreement specifically excludes liability coverage for volunteers of the SD 4-H Programs among other exclusions. Specified coverage is provided for covered negligence of SDSU employees, including 4-H Youth Program Advisors. As a State entity, SDSU cannot contract for coverage beyond the statutory and PEPL liability coverage limitations because that would be considered an unauthorized waiver of sovereign immunity.

SD 4-H Program Volunteers are covered by an Excess Volunteer Liability Policy.

SDSU will inform the County in the event of any material change in the above-referenced liability coverages.

8. ENTIRE AGREEMENT

The parties acknowledge that the terms of this Agreement constitute the full and final agreement of the parties hereto, superseding all prior negotiations and all prior or subsequent oral agreements. No statement, promises or inducements made by the parties, or their employees, agents or assigns which are not contained in this Agreement shall be valid or binding. This Agreement may be amended only by written agreement and executed by each of the parties hereto.

9. GOVERNING LAW

The parties agree and acknowledge that this Agreement shall be construed in accordance with the laws of the State of South Dakota. Venue shall be in a court of competent jurisdiction in South Dakota.

10. ASSIGNMENT

This Agreement shall not be assigned by either party without the prior written consent of the parties hereto and executed by each of the parties.

11. NONAPPROPRIATION OF FUNDS

In the event funds to fulfill the terms of this Agreement are not budgeted or appropriated for any fiscal year, then in that event there shall be no obligation on non-budgeted or appropriated Party to fulfill such appropriation or budget and this Agreement shall become null and void except as to terms for which an appropriation or budget has been made, and no right of action or damage shall accrue to the benefit of any person or entity, their agents, successors or assigns for any further payments or other performance under this Agreement.

12. APPROVAL AND/OR MODIFICATION OF MEMORANDUM

This memorandum will be in effect upon when both the County and SDSU approve by authorized signature. It supersedes all previously signed agreements and shall remain in effect until it is expressly terminated in writing by one or more of the parties concerned. This agreement should be reviewed at the first meeting of the County Commission each year for purposes of informing new members and reacquainting experienced members with its provisions.





12. SIGNATURES AND APPROVALS

For County:

By: _____

[Print Name Above]

Title: Chairperson, County Commission

Date: _____

For SDSU:

By: _____

Karla Trautman

Title: Director, SDSU Extension

Date: _____

County Attest (when applicable):

By: _____

[Print Name Above]

Title: _____

[Print Title Above]

Date: _____

Additional Signature (when applicable):

By: _____

[Print Name Above]

Title: _____

Date: _____

