

2010	Legal and Public Notices
11+13	NOTICE OF HEARING UPON APPLICATION FOR SALE OF ALCOHOLIC BEVERAGES NOTICE IS HEREBY GIVEN that an application has been received by the Board of City Commissioners of the City of Yankton, South Dakota, for a Special Events RETAIL (on-sale) Liquor License for one day, December 4th, 2015, from Minervas Grill & Bar, (Janelle Wieseler, Sales & Catering Director) d/b/a Minervas Grill & Bar, NFAA, 800 Archery Lane, Yankton, South Dakota. NOTICE IS FURTHER GIVEN that a Public Hearing upon the application will be held on Monday, November 23rd, 2015, at 7:00 p.m. in the City of Yankton Community Meeting Room at the Technical Education Center, 1200 West 21st Street, Yankton, South Dakota, where any person or persons interested in the approval or rejection of the above application may appear and be heard. Dated at Yankton, South Dakota, this 9th day of November, 2015.
Al Viereck FINANCE OFFICER	Published once at the total approximate cost of \$10.72.

11+13	Ordinance No. 983 An Ordinance amending animal control regulations within the City of Yankton. Be it ordained that: DIVISION 1. General Sec. 5-1 shall be amended to read as follows: Sec. 5-1 Definitions. The definitions herein shall be applicable through the City of Yankton animal control ordinances. (a) To “Abandon” an animal requires a person to (i) relinquish all right, title, claim and possession of the animal and (ii) have an <i>intent</i> to not reclaim the animal or resume ownership or possession or the animal. (b) “Adequate shelter” means protection from the elements generally considered to be standard and accepted for an animal's health and well-being consistent with the species, breed, physical condition, and type of animal. (c) “Animal” is any mammal (except humans), bird, reptile, or amphibian. Fish and insects do not constitute an animal under this definition. (d) “Animal control officer” refers to the person designated to enforce the City of Yankton animal control ordinances and, when the animal control officer is not present, it refers to any City law enforcement officers or any person employed, contracted, or appointed by the City Manager. (e) “Animal control ordinances” refer to all of those ordinances found in Chapter 5 of the City of Yankton Code of Ordinances. (f) An animal is “at large” if (1) it is located on the real property of any party who has not consented to the animals presence; whether or not the animal is leashed is not relevant; or (2) it is off a leash on public property, unless it is within a City established dog park or reasonably contained at all times within a motor vehicle; or (3) it is leashed, regardless of its location, but the leash is more than fourteen (14) feet in length, is not of sufficient strength under the circumstances, or the person holding the leash is not of sufficient size or strength to control the animal. An animal is still “at large” despite the fact that the animal had an electric shock collar on at the time in question. An animal is not “at large” merely because it is located on the property of its owner or the real property of a third party, with its consent, and it is not leashed. (g) “Cat” refers to <i>felis catus</i> . (h) Within the “City” refers to the corporate City limits of Yankton. (i) A “crime” is any act or omission that constitutes a federal, state, county or municipal local law that may be prosecuted and for which is punishable by law, other than a petty offense. (j) A “dangerous animal” is any animal that, by itself or by environmental circumstances, after applying the dangerousness factors found at Sec. 5-103, is a threat to the physical well-being of other owned animals or humans. However, no animal may be declared dangerous if the injury or damage is sustained to any person or animal who is (a) committing a willful trespass, (b) committing another tort upon real property occupied by the owner of the animal, (c) teasing, tormenting, abusing or assaulting the alleged dangerous animal, or (d) committing or attempting to commit a crime. In addition, no dog is “dangerous” merely because it barks or growls at other animals or persons. (k) “Dog” refers to <i>canis lupus familiaris</i> . (l) A “domesticated animal” is 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, such as a cat, dog, guinea pig, gerbil, hamster, chinchilla, degus, hedgehog, rat, mouse, sugar glider, rabbit, lizard (which are non-venomous), ferret, non-venomous snake (so long as they are less than four (4) feet long), turtle, fish, hermit crabs and domesticated birds (such as a canary, finch, parakeet, lovebird, dove, cockatiel, parrotlet, macaw, Japanese button quail, and cockatoo). Livestock, including miniature livestock, fowl, and exotic animals, for purposes of the Animal Control Ordinances, are not domesticated animals. (m) An “exotic animal” is (i) one that does not live naturally in the United States or South Dakota ei-
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	ther currently or historically or (ii) one that is not a "domesticated animal," such as a mountain lion or bear. Alleged domestication of exotic animals shall not affect its status under this definition. (n) “Fowl” refer to ducks, geese, turkeys, pheasants, guinea, pigeons and chickens. (o) “Harboring” or “to harbor” refers to keeping, housing or sheltering an animal. (p) “Impoundment” refers to the City taking possession of an animal. (q) The “inhumane treatment” of an animal is any act of mistreatment, torture, cruelty, or inhumane slaughter that is not consistent with generally accepted training, use and husbandry procedures for the species, breed, physical condition, and type of animal. (r) “Kennel” means any person (i) who possess four (4) or more adult dogs or six (6) or more adult, domesticated animals of any species and (ii) who possesses the animals for profit, professional breeding, exhibiting, or for a commercial business of boarding or trading for a fee on the premises, which shall not be a dwelling unit. Possession for “pleasure” is not a valid purpose. Not included within the definition of a kennel are (i) hospitals, clinics, pet shops, or other premises operated by a licensed veterinarian for the care and treatment of animals and (ii) the City of Yankton pound. (s) “Leash” means a cord, thong, or chain by which an animal is controlled by the person accompanying it. (t) “Livestock” refer to horses, mules, donkeys, hogs, cows, goats and sheep. (u) The “mistreatment, torture, or cruelty” of an animal is any act or omission whereby unnecessary, unjustifiable, or unreasonable physical pain or suffering is caused, permitted, or allowed to continue including acts of mutilation. (v) A “motor vehicle” is any automobile, motor truck, house trailer, trailer, and all other means of transportation propelled by power other than muscular power. (w) “Neglect” of an animal refers to the failure to provide food, water, adequate shelter, adequate sanitation, adequate facilities, or care generally considered to be standard and accepted for an animal's health and well-being consistent with the species, breed, physical condition, and type of animal. (x) “Owner” is (i) the lawful owner of an animal, <i>or</i> (ii) any person harboring, or in possession or control of an animal, regardless of whether he or she is the lawful owner of the animal. (y) “Person” is either a natural human being or beings or an entity, such as a partnership, limited liability company or corporation. (z) A “right of way” is any public street, alley, sidewalk, trail, or parking lot not privately owned. (aa) “Sterilized” refers to the neutering of a male dog/cat or the spaying of a female dog/cat. (bb) “Stray” refers to an animal that is not owned by any person. (cc) “Tort” refers to any wrongful act or an infringement of a right , other than under contract, which is prohibited by South Dakota statute or common law which leads to legal liability. (dd) A “Trespass” occurs if a person, knowing that he or she is not privileged to do so, enters or remains on any real property owned by another, DIVISION 2. Offenses Sec. 5-23 shall be amended to read as follows: 5-23 Offenses. (a) Animals Running at Large. No person in possession of an animal shall permit the animal to run at large within the City. However, an animal may run at large in a City designated animal run area. (b) Restraint of Animal in Vehicle. No person in possession of an animal shall permit the animal within a motor vehicle upon a public street or any parking lot within the City unless said animal is properly restrained so the animal cannot reach outside the confines of said motor vehicle. For purpose of this ordinance, a dog in the back of a pickup is restrained. (c) Striking Animal with Vehicle. Striking Animal with Vehicle. No person who operates a motor vehicle within the City and <i>knowingly</i> strikes a dog or cat shall fail to stop at once, to report the collision to the animal control officer, and to remain at the scene until released by the animal control officer. (d) Animal Fighting. No person within the City shall permit any animal to fight another animal. It shall also be unlawful for each owner and lawful tenant, if any, of real property to fail to prevent any animal from fighting upon such property in accordance with this Section. (e) Training to Fight. No person within the City shall train any animal to fight with another animal. It shall also be unlawful for each owner and lawful tenant, if any, of real property to fail to prevent the training of an animal for such purposes upon such property in accordance with this Section. (f) Poisoning Animal. No person within the City shall <i>intentionally</i> poison a domestic animal. However, a licensed veterinarian, or a municipality, with proper authority may euthanize an animal. (g) Injuring Anothers Animal. No person shall <i>intentionally</i> kill or injure another's animal within the City. It is an affirmative defense to this crime to reasonably act in defense of person, property or another person or domesticated animal. However, a licensed veterinarian, or a municipality, with proper authority may euthanize an animal. (h) Stray Animals. No person shall harbor, keep or feed a stray animal. A person who sees a stray animal shall immediately report

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	the same to the animal control officer. (i) Abandoned Animals. No person shall abandon an animal within the City. (j) Disturbing the Peace. It shall be unlawful to fail to prevent an animal from disturbing the peace, such as barking, howling, whining, snarling, growling or making other such sound persistently and constantly, for greater than a ten (10) minute period with periodic or short intervals between such sounds. Each owner and lawful tenant, if any, of real property shall be responsible for assuring no animal upon such property disturbs the peace in accordance with this Section. Any animal control officer may seize and impound any animal which is disturbing the peace when the owner cannot be located. In such instance, the animal control officer shall, if possible, leave on the premises of the owner (a) notice advising the owner of the impoundment and (b) the ticket for disturbing the peace. (k) Teasing Animals. No person shall tease, bait or harass any domesticated animal within the City. Baiting is setting out food to capture an animal not owned by the offender or permitting an animal to attack a chained or confined animal. (l) Picketing. No person harboring, possessing or in control of an animal shall stake out any animal in such a manner as to permit the animal to go upon any right of way <i>or</i> to approach within five (5) feet of any property line if there is a structure used or occupied as a residence of any person other than that of the owner of the animal on the other side of said property line. In addition to the owner of the animal, each owner and lawful tenant, if any, of the real property upon which the animal is staked shall be responsible for assuring compliance with this Section. (m) Animal Waste. It shall be unlawful for any person in possession or control of an animal to fail to prevent the animal from defecating on public or private property not owned by such person. If any animal does defecate upon public or private property, then the person in possession of an animal shall immediately and thoroughly clean the fecal material from such public or private property. (n) Failing to Follow Instructions of Animal Control Officer. No person within the City shall refuse to comply with the lawful instruction of the animal control officer. (o) Interfering with Animal Control Officer. No person within the City shall interfere with the animal control officer when he or she is engaged in carrying out the provisions of the animal control ordinance. (p) Interfere with Traps. No person shall hinder, delay, obstruct or tamper with traps set by the animal control officer within the City when the trap is used in capturing, securing or impounding any animal. (q) Trapping. No person, without prior written permission of the animal control officer, shall set, allow to be set, or use any trap for the <i>intent</i> of catching any animal, which trap could injure or kill any such animal. This provision does not prohibit any person from using rodent traps or any form of trapping by agents of the City.. (r) Defacing Property. It shall be unlawful for any person in possession or control of an animal to fail to prevent the animal from damaging, destroying or defacing property of another within the City. The person in possession of such animal shall be held responsible for compensating the owner of such property for the cost of any such damage to the property. (s) Inhumane Treatment of Animals. No person shall inhumanely treat any animal within the City. (t) Neglect of Animals. No person shall neglect any animal within the City. Leaving an animal unattended in a standing or parked motor vehicle in such a manner that endangers the health or safety of the animal is neglect of an animal. It shall be deemed a <i>per se</i> violation of this ordinance if an animal is left unattended inside a parked motor vehicle with the engine turned off for any length of time and the outside temperature is seventy-five (75) degrees Fahrenheit or higher. The City hereby finds that exigent circumstances exist when an animal is unattended in a standing or parked motor vehicle in such a manner that endangers the health or safety of the animal. If the animal control officer reasonably believes that the animal is in immediate jeopardy of its life, then he or she may use reasonable force to open the motor vehicle to rescue the animal. No such officer may be held civilly or criminally liable for any damage or loss caused by removing such animal from a motor vehicle. (u) Public Disposal of Dead Animal. No person shall dispose of any dead animal onto or upon any street, alley, park or sidewalk of the city. (v) Proper Disposal of Animal. It shall be unlawful for a person in possession of a dead animal to fail to properly dispose of the animal within twenty-four (24) hours after its death. (w) Biting. It shall be unlawful for a person harboring, possessing or in control of an animal to fail to prevent the animal from biting another person or domestic animal. It shall be unlawful for each owner and tenant, if any, of real property to fail to prevent an animal harbored upon such property from biting another person or domestic animal. DIVISION 4. Unlicensed or Unvaccinated Animals Sec. 5-55 shall be amended to read as follows:

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	5-55 Notice of Impoundment. If the impounded animal is licensed or if the owner is known to the animal control officer, then the animal control officer shall at his or her earliest convenience mail written notice of the impoundment to the owner of the dog or cat by first class mail sent to the owners last known address. If the animal is unlicensed or the owner is unknown to the animal control officer, then the animal control officer shall either post a written notice containing the information required for the registry at a conspicuous place in the Yankton County Courthouse or publish the same on the City of Yanktons website. DIVISION 6. Dangerous Animals Sec. 5-100 shall be amended to read as follows: 5-100 Findings. The City finds that the prohibition of dangerous animals is warranted because of the immediate danger that said animals may pose to the public and other animals. Dangerous animals also constitute a public nuisance of which the City has a right to abate pursuant to South Dakota law. Sec. 5-101 shall be amended to read as follows: 5-101 Applicability. Nothing in this section shall be construed to limit, affect, or apply to the use of animals by law enforcement, military, or legitimate service animals. Sec. 5-103 shall be amended to read as follows: 5-103 Dangerousness Factors. The following factors (the dangerousness factors) shall be considered when determining whether an animal constitutes a dangerous animal: (a) Provocation by any person or animal. (b) Whether the animal has bitten anyone. (c) Previous aggressive history of the animal. (d) Observable behavior of the animal. (e) Site and circumstances of the incident. (f) Statements from interested parties. Sec. 5-104 shall be amended to read as follows: 5-104 Authority. The animal control officer is hereby authorized and empowered to take possession and to impound any animal suspected of being a dangerous animal. If the animal control officer or certified law enforcement officer determines that an animal presents an immediate danger to the life of any person(s), then the officer, due to the exigent circumstances, may use lethal force to seize or to destroy the animal. Sec. 5-106 shall be amended to read as follows: 5-106 Determination of Dangerousness. If the animal control officer, after conducting his or her investigation and applying the dangerousness factors (5-103), concludes that an animal constitutes a dangerous animal, then the animal shall be impounded with intent to euthanize. Sec. 5-107 shall be amended to read as follows: 5-107 Impoundment Notice. If the impounded animal is licensed or if the owner is known to the animal control officer, then the animal control officer shall at his or her earliest convenience mail written notice of the impoundment to the owner of the animal by first class mail sent to the owners last known address. If the animal is unlicensed and the owner of the animal is not known to the animal control officer, then the animal control officer shall either post a written notice containing the information required for the registry at a conspicuous place in the Yankton County Courthouse or publish the same on the City of Yanktons website. Sec. 5-108 shall be amended to read as follows: 5-108 Impoundment Hearing. The owner of the animal may consent to the impoundment and euthanization without civil action, consent to an expedited trial date, and/or waive the right to trial. Upon impoundment with intent to euthanize the animal, unless the owner of the animal cannot be located or unless the owner of the animal consents to the impoundment and euthanization, the City shall commence a civil action against the owner seeking an order from the Court permitting euthanization of the animal in accordance with this Article. Regardless of whether the owner consents to an expedited trial or consents to impoundment and/or euthanization, the owner shall remain responsible for all costs of impoundment. Trial shall be scheduled as expeditiously as permitted by the applicable rules of civil procedure. Notice of the trial shall also be provided to the owner and complainant, if any. At trial, the City shall have the burden of proving by a preponderance of the evidence that the determination of dangerousness by the animal control officer was proper in accordance with this Article. If the Court finds the animal control officer properly determined the animal to be dangerous, it shall issue an order permitting the City to humanly euthanize the animal. The Court shall also identify the costs of impoundment then owed by the owner and include a judgment for the same in favor of the City and against the owner. If the court determines that the animal control officer improperly determined the animal to be dangerous, then the animal shall be returned to the owner if the owner and animal is in compliance with all applicable ordinances. If the owner of the dangerous animal appeals the courts decision, then the owner shall continue to

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	be responsible for all impoundment costs. Interest on such costs shall accrue at the Category C rate, as found at SDCL 54-3-16 (3). Secs. 5-109, 5-110, and 5-112 shall be repealed and deleted in their entirety. Adopted: November 9, 2015 1st Reading: October 26, 2015 2nd Reading: November 9, 2015 Publication Date: November 13, 2015 Effective Date: December 14, 2015 David Carda, Mayor Attest: Al Viereck, Finance Officer Published once at the total approximate cost of \$203.98. 11+13+20 YANKTON SCHOOL DISTRICT 63-3 Advertisement to Bidders Sealed bids for the furnishing of one (1) new 2016 Full-Size SUV will be received at the Yankton School District 63-3 Administration Building located at 2410 West City Limits Road, Yankton, SD, 57078, up to the hour of 1:30 p.m., Tuesday, December 1, 2015, at which time the bids will be opened and read aloud by the business manager and witnessed by the supervisor of bussing, or other designee. Specifications and bid form may be obtained by contacting the business manager at (605) 665-3980 or picked up in person at the address above between the hours of 7:30 am and 4:30pm Monday-Friday. The school board reserves the right to reject any and all bids or any irregularities therein. Jason Bietz Business Manager Published twice at the total approximate cost of \$21.22. 11+13+20 YANKTON SCHOOL DISTRICT 63-3 Advertisement to Bidders Sealed bids for the furnishing of one (1) new 2016 ¾ ton, heavy-duty 4-wheel drive pick-up truck will be received at the Yankton School District 63-3 Administration Building located at 2410 West City Limits Road, Yankton, SD, 57078, up to the hour of 1:30 p.m., Tuesday, December 1, 2015, at which time the bids will be opened and read aloud by the business manager and witnessed by the supervisor of buildings & grounds, or other designee. Specifications and bid form may be obtained by contacting the business manager at (605) 665-3980 or picked up in person at the address above between the hours of 7:30 am and 4:30pm Monday-Friday. The school board reserves the right to reject any and all bids or any irregularities therein. Jason Bietz Business Manager Published twice at the total approximate cost of \$23.79. 11+13+20 YANKTON SCHOOL DISTRICT 63-3 Advertisement to Bidders Sealed bids for the furnishing of one (1) new 2016 18-Passenger School Bus will be received at the Yankton School District 63-3 Administration Building located at 2410 West City Limits Road, Yankton, SD, 57078, up to the hour of 1:30 p.m., Tuesday, December 1, 2015, at which time the bids will be opened and read aloud by the business manager and witnessed by the supervisor of bussing, or other designee. Specifications and bid form may be obtained by contacting the business manager at (605) 665-3980 or picked up in person at the address above between the hours of 7:30 am and 4:30pm Monday-Friday. The school board reserves the right to reject any and all bids or any irregularities therein. Jason Bietz Business Manager Published twice at the total approximate cost of \$23.28. 11+6+13+20 State of South Dakota) ss) County of Yankton) In Circuit Court First Judicial Circuit Estate of Robert D. Wiebenga, Deceased. FILE NO: 66PRO15-39 Notice to Creditors and Notice

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	of Informal Probate And Appointment of Personal Co-Representatives in Intestacy Notice is given that on November 2, 2015, Joyce E. Wiebenga whose address is: 910 9 th Street Apt. #1, Springfield SD 57062, and Randel Tjeerdsma whose address is: 2601 Deer Boulevard, Yankton SD 57078, were appointed as Co-Personal Representatives of the Estate of Robert D. Wiebenga. Creditors of decedent must file their claims within four (4) months after the date of the first publication of this notice or their claims may be barred. Claims may be filed with the representative or may be filed with the clerk and a copy of the claim mailed to the Co-Personal Representatives. Dated: November 2, 2015 /s/ Joyce E. Wiebenga 910 9 th Street Apt #1 Springfield, SD 57062 605-369-2070 /s/ Randel Tjeerdsma 2601 Deer Boulevard Yankton SD 57078 605-665-3469 Jody Johnson Yankton County Clerk of Courts 410 Walnut Street #205 Yankton SD 57078 Paul R. Boschma, Lawyer P O Box 636 Springfield SD 57062 605-369-2833 11+6+13+20+27 STATE OF SOUTH DAKOTA) :SS COUNTY OF YANKTON) IN CIRCUIT COURT FIRST JUDICIAL CIRCUIT CIV. 12-654 NOTICE OF REAL ESTATE SALE YANKTON COUNTY, STATE OF SOUTH DAKOTA, A Political Subdivision, PLAINTIFF, V. THE HEIRS AND CREDITORS OF ROSALYN T. WHITE, KNOWN OR UNKNOWN, ROSALYN T. WHITE, UNITED STATES OF AMERICA AND ALL PERSONS UNKNOWN WHO HAVE OR CLAIM TO HAVE ANY INTEREST OR ESTATE IN, OR LIEN OR ENCUMBRANCE UPON THE PREMISES DESCRIBED IN THE COMPLAINT, DEFENDANTS. Judgment and Decree of Foreclosure in the amount of \$27,681.49, having been entered in favor of the Plaintiff, Yankton County, which Judgment and Decree of Foreclosure was filed with the Clerk of Courts of Yankton County, South Dakota on the 28 th day of October, 2015, for the foreclosure of unpaid taxes and assessments owed to the Plaintiff, Yankton County. Notice is hereby given pursuant to said Judgment and Decree of Foreclosure that the real property described as follows, to-wit: LOT NINE (9) EXCEPT THE SOUTH SIX FEET (S6') THEREOF, AND THE SOUTH SEVEN FEET (S7') OF LOT TEN (10) BLOCK FIFTY-FIVE (55), LOWER YANKTON, CITY AND COUNTY OF YANKTON, SOUTH DAKOTA AS PER PLAT RECORDED IN BOOK G, PAGE 6 Will be sold to redemption as provided by law as one parcel of land at public auction, subject to easements and restrictions of record, if any to the highest bidder for cash under the direction of the Sheriff of Yankton County, South Dakota, at the front door of the Yankton County Courthouse, 410 Walnut Street, Yankton, South Dakota on the 15 th day of December, 2015, commencing at the hour of 10:00 AM (CDT). Dated this 2 nd day of November, 2015. /s/: James C. Vlahakis, Sheriff of Yankton County, South Dakota Robert W. Klimisch Yankton County States Attorney 410 Walnut Street, Ste. 100 Yankton, SD 57078

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