

2010 Legal and Public Notices

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NOTICE OF NUISANCE
2013-AT-196

405 N. Sherill Street
Atkinson, Nebraska 68713

The Atkinson City Council has declared your property located at 405 N. Sherill Street, Atkinson, NE, a nuisance by Resolution No. 13-AT-196 in reference to Nuisance Codes 2-601 and 2-603. You have until September 30, 2013 to abate the identified nuisance.

You may request, in writing, a hearing before the City Council within five (5) days after service of this notice. If a hearing is requested, the City Clerk shall fix date of said hearing to be no later than 15 days from receipt of the request for the hearing. Written requests shall be forwarded to the Atkinson City Clerk, 104 S. Main Street, P.O. Box 519, Atkinson, NE 68713. Notice of said hearing with the date and time shall be served upon you by certified and regular mail.

The Hearing shall be a "show cause" hearing in which you shall provide evidence why the alleged condition should not be found to be a public nuisance and remedied. The hearing shall be heard before a quorum of the City Council. At the hearing, the hearing officer shall mark and receive evidence which was presented when the finding of a nuisance was made, relevant evidence of the nuisance since that time, and evidence that the notices were properly given. The objecting party shall then provide its evidence. The rules of evidence is not required at said hearing, but all evidence must be relevant to the particular nuisance being heard. Testimony shall be under oath as administered by the hearing officer, and the person providing the testimony is subject to the laws of perjury. Evidence may be submitted in writing by affidavit.

No later than 14 days after the hearing and consideration of the evidence, the City Council may by majority vote rescind the resolution of violation. If the resolution of violation is not rescinded, it shall stand. Furthermore, if the Objector fails to appear at the hearing or does not provide evidence, the nuisance shall stand. If the resolution is not rescinded, the City Council may, by resolution, extend the date that you shall abate and remedy the said public nuisance, but in no case shall this time exceed 60 days. The findings of the City Council shall be made no later than 14 days after the hearing and notice of its finding shall be served upon the objecting party by regular US Mail within 5 days of the finding. The finding of this hearing is final, provided that an interested party or parties may appeal such decision to the appropriate court for adjudication.

If the Nuisance Officer determines the nuisance is not remedied and abated within the time period designated above, the City Council shall cause the abatement of the nuisance.

If an interested party properly appeals to an appropriate court the findings and order of the City, the City actions shall be stayed during until such time that the legal proceedings are completed or dismissed.

When the City has effected the abatement of the nuisance, the actual cost thereof shall be charged to the owner. The billing shall be calculated at the actual cost of abating the nuisance plus a twenty-five dollar (\$25.00) administrative fee. This billing shall be submitted to the last known address of the owner of the nuisance property as found in the County Treasurer's office by regular US Mail.

If said costs are not paid within two (2) months after the work is done and one month after the expenses and costs are submitted to the owner, the City may levy and assess the expenses and costs upon the real estate benefitted by the actions in the same manner as other special assessments are levied and assessed, and the City may collect said assessments in the same procedure as other special assessments are collected. The City may also recover said expenses and costs of abating the nuisance in a civil action in the courts of the appropriate county in Nebraska.

Judy Petersen
Nuisance Officer
P.O. Box 201
Chambers, NE 68725
402-340-0106

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ORDINANCE #959

AN ORDINANCE REPEALING ORDINANCE #799 AND ADOPTING THE 2009 INTERNATIONAL FIRE CODE

ARTICLE I. - IN GENERAL
Sec. 8-5. - Fire code adopted; bureau of fire prevention; amendments.

(a) That certain documents, one (1) copy of which is on file in the office of the Fire Marshal, being marked and designated as the "International Fire Code" 2009 edition, and the National Fire Protection Association (NFPA) documents, currently adopted editions as listed in this ordinance are hereby adopted as the code of the city for prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion providing for the issuance of permits for hazardous uses or operations; reestablishing a bureau of fire prevention and providing officers therefore; and defining their powers and duties all of which are on file in the office of the finance officer are hereby referred to, adopted and made a part hereof as if fully set out in this ordinance.

(b) (1) The currently adopted Fire Code shall be enforced by the bureau of fire prevention in the fire department of the city which is hereby established and which shall be operated under the supervision of the chief of the fire department.

(2) The fire marshal in charge of the bureau of fire prevention in the fire department shall be appointed by the city manager. The fire marshal shall be a subordinate of the fire chief. His primary duty shall be to enforce the currently adopted Fire Code and assume the duties and responsibilities of fire marshal as contained in said Code. In addition, the fire marshal shall be the second ranking command officer, after the fire chief, in the Yankton Fire Department and shall assume the duties of the office of fire chief in the absence or disability of the fire chief. He shall devote full time to his duties.

(c) (1) Wherever the word "jurisdiction" is used in the currently adopted Fire Code, it shall mean the City of Yankton, South Dakota.

(2) Wherever the words "chief of the bureau of fire prevention" are used they shall be held to mean "fire marshal."

(d) *Modifications and amendments.* That the following National Fire Protection Association (NFPA) documents referenced in the 2009 International Fire Code shall be adopted by the City of Yankton, SD.

(1) National Fire Protection Association Standard 10, "Portable Fire Extinguishers," 2010 edition

(2) National Fire Protection Association Standard 72, "National Fire Alarm and Signaling Code," 2010 edition, is the standard to be used.

(3) National Fire Protection Association Standard 407, "Aircraft Fuel Servicing," 2012 edition, is the standard to be used.

(4) National Fire Protection Association Standard 52, Vehicular Gaseous Fuel Systems Code," 2010 edition,

(5) National Fire Protection Association Standard 86, "Standard for Ovens and Furnaces," 2011 edition

(6) National Fire Protection Association Standard 17, "Standard for Dry Chemical Extinguishing Systems," 2009 edition

(7) National Fire Protection Association Standard 11, "Standard for Low, Medium and Expansion Foam," 2010 edition

(8) National Fire Protection Association Standard 15, "Standard for Water Spray-Fixed Systems for Fire Protection" 2012 edition

(9) National Fire Protection Association Standard 704, "Identification of the Hazards of Materials for Emergency Response," 2012 edition

(10) National Fire Protection Association Standard 385, "Standard for Tank Vehicles for Flammable and Combustible Liquids," 2012 edition

(11) National Fire Protection Association Standard 17A, "Standard for Wet Chemical Extinguishing Systems," 2009 edition

(12) National Fire Protection Association Standard 30, "Flammable and Combustible Liquids Code," 2012 edition

(13) National Fire Protection Association Standard 318, "Standard for Protection of Semiconductor Fabrication Facilities," 2012 edition

(14) National Fire Protection Association Standard 25, "Standard for Inspection, Testing and Maintenance of Water Based Fire Protection Systems," 2011 edition

(15) National Fire Protection Association Standard 12, "Standard for Carbon Dioxide Extinguishing Systems," 2011 edition

(16) National Fire Protection Association Standard 30, "Flammable and Combustible Liquids Code," 2012 edition

(17) National Fire Protection Association Standard 58, "Liquefied Petroleum Gas Code," 2011 edition, is the standard to be used.

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(18) National Fire Protection Association Standard 13, "Installation of Sprinkler Systems," 2010 edition

(19) National Fire Protection Association Standard 14, "Installation of Standpipe and Hose Systems," 2010 edition

(20) National Fire Protection Association Standard 13R, "Sprinkler Systems in Residential Occupancies Up To and Including Four (4) Stories in Height," 2010 edition

(21) The following sections of 105.6 are adopted as described:
Sec. 105.6 Permit Required. A permit shall be obtained from the bureau of fire prevention prior to engaging in the following activities, operations, practices or functions:

105.6.3 Aviation Facilities. (as defined by same title in Section 105.)

105.6.9 Covered Mall Buildings. (as defined by same title in Section 105.)

105.6.14 Explosives. (as defined by same title in Section 105.)

105.6.16 Flammable and Combustible Liquids. (as defined by same title in Section 105.)

105.6.30 Open Burning. (as defined by same title in Section 105.)

105.6.32 Open Flames and Candles. (as defined by same title in Section 105.)

(22) Section 603.8.1 is amended to read as follows:

Sec. 603.8.1 General. Residential incinerators are not allowed.

(23) Section 307.4.1 is amended as follows: A bonfire shall not be conducted within 50 feet of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions which could cause a fire to spread within 50 feet of a structure shall be eliminated prior to ignition. Bonfires shall not be conducted within the city limits except by permit in commercial areas.

(24) SECTION 307.4.2 is amended as follows: Recreational Fires- shall not be conducted within 15 feet of a structure or combustible material when conducted in an approved container or approved fire pit not to exceed 3 feet in diameter. Conditions which could cause a fire to spread within 15 of a structure shall be eliminated prior to ignition.

(25) SECTION 903.2.8 is amended as follows: An automatic fire sprinkler system shall not be required in residential one and two family dwellings.

(26) SECTION 903.2.8 is amended as follows: An automatic fire sprinkler shall be installed throughout any new hotel, motel, and multi-family housing six or more families as specified in Section 903 of the International Building Code, 2009 edition and the South Dakota Administrative Rules 61:15-01:19 Automatic Sprinkler System Requirements.

(27) The fire code official is authorized to require a registered KNOX brand key box to be installed in an accessible location where immediate access is necessary to verify the existence of a fire or other emergency in all existing and new commercial, multi-family and educational buildings equipped with or required to be equipped with fire protection systems or where security restricts life saving or firefighting operations. Fire protection systems shall include fire sprinklers and/or fire alarm systems.

(a) Required new construction shall have a lock box installed prior to issuance of an occupancy permit.

(b) Key box placement shall be pre arranged with the fire department as to location on the building.

(c) Property owners shall be required to contact the fire department anytime a key change is made on the property affecting fire and life safety operations including but not limited to egress doors, mechanical rooms, alarm pulls and panels, elevators and elevator equipment rooms.

(e) The following appendices of the 2009 International Fire Code are adopted and amended: From the 2009 International Fire Code:

Appendix II-H - Site assessments for determining potential fire and explosion risks from underground flammable or combustible liquid tank leaks

Appendix B - Fire flow requirements for buildings

Appendix C - Fire hydrant locations and distribution

Appendix D - Fire Apparatus Access Roads

Appendix I - Fire Protection Systems - Non Compliant Conditions

First Reading: July 22, 2013
Second Reading and Adoption: August 12, 2013
Publication Date: September 6, 2013

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Effective Date:
September 27, 2013

Nancy Wenande, Mayor

Attest:

Al Viereck, Finance Officer

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Auction

From Page 1A

ceiving national attention from the media. In fact, some of those who have helped bring more exposure to the area will be among the city's guests, she said.

"Some national media outlets, stations and production companies will be traveling to Pierce to cover the auction," Scheve said. "Due to limited hotel availability in the region, some of these stations and production companies will be staying in the Yankton area."

While preparations for the auction only began in June, the buildup for the event has been a long time coming.

According to The Associated Press, Lambrecht started collecting the cars and trucks after opening his dealership in 1946. He rarely sold automobiles that were more than a year old, instead choosing to hold onto them to let them appreciate in value. He also kept many trade-in vehicles he didn't want to resell.

Lambrecht stored them in buildings throughout Pierce, and when he ran out of space, he transferred many of them to a nearby farm, The Associated Press reported. They stayed in those locations, some better protected than others, even after the dealer retired in 1996.

With his health declining, the 95-year-old Lambrecht recently decided to sell his collection.

According to the auction

Iowa Drought Worsens In Hottest Week Of The Year

BY DAVID PITT

Associated Press

DES MOINES, Iowa — Drought conditions have worsened across parts of the Midwest in the last week, including in the nation's leading corn-producing state as Iowa cooked in record-breaking temperatures that topped 100 degrees.

Farmers in Iowa and other neighboring states are now expecting this year's drought to reduce the fall harvest for corn and soybeans, though the impact isn't expected to be as bad as last year's drought — the worst since the 1950s.

According to the weekly U.S. Drought Monitor report released Thursday, about 98 percent of Iowa is in some level of drought. That's down slightly from the week before, but the area of the state in severe drought expanded to 32 percent from 22 percent from the previous week.

In the middle of Iowa's severe drought region, Kyle Phillips is growing corn and soybeans on about 3,800 acres in central Iowa near Knoxville. The farmer expects his corn crop to be reduced by as much as 20 percent.

He said the corn was in good shape up until about three weeks ago, before the heat set in, and no significant rain has fallen in much of the area for a nearly month. Soybeans are a big worry now, he said. Plants are shorter than normal and haven't had enough moisture to fully develop.

"The soybeans, I'm really worried about. They just haven't had any rains on them all the time they were filling their pods," he said.

Quilts

From Page 1A

"She had done a lot of quilting, too, so she inspired me in that respect and I just love it. I love fabric, sewing clothing for my children and myself through the years. And then it just developed more and more."

As her kids grew older, she found more time to explore more creative aspects of sewing. Gubbels has spent a lot of time during the last few

years sharing her stories.

"In the last five years, I've probably shared my program about 50 times in the surrounding area," she said.

Gubbels has said those who are interested in taking up sewing and quilting should feel free to let their minds wander.

"There really are no rules when you're doing something like this," she said. "Just express what's in your heart and let that shine for itself."

You can follow Rob Nielsen on Twitter at twitter.com/RobNielsen-PandD/. Discuss this story at www.yankton.net/



PHOTO COURTESY OF VANDERBRINK AUCTIONS
These are just a few of the 500 vintage automobiles that will be auctioned of later this month in Pierce, Neb.

inventory, the automobile collection includes several rare items, with roughly 50 vehicles that have fewer than 20 miles on the odometer.

"To find this many new, old vehicles is unheard of," auctioneer and event coordinator Yvette VanDerBrink told The Associated Press. "It's like a white buffalo."

Scheve agreed that the situation is unusual, as it is not typical for Yankton to receive such high occupancy for an event taking place an hour away.

"For example, we don't receive overflow when there's a lot of things taking place in Sioux Falls or Sioux City," she said. "For us to receive the overflow from this is great for the community and great for the region."

In addition to gaining more hotel guests, Scheve said the overflow of visitors also could help both current and future local events.

For instance, The Landing is hosting its second Fall Festival on Sept. 28 and organizers are hoping that the area's guests will visit the event, she said.

"And maybe this will be an opportunity for us to develop some future partnerships with some of the surrounding smaller communities to work to bring some larger events to the area," she added.

Overall, the surprise boost to the community will help bridge the gap between the busier tourism weekends for Yankton, Scheve said, as there is often a lull between Riverboat Days and the beginning of the pheasant hunting season.

"The last weekend in September is not something we consider a peak season," she said. "It's a nice unexpected bonus."

You can follow Derek Bartos on Twitter at twitter.com/d_bartos/. Discuss this story at www.yankton.net/.

have been planted and nearly 32 million acres, or more than 50,000 square miles, are affected by drought, Rippey said.

The extreme heat in the Midwest and near record-low August rainfall combined to expand drought conditions from the eastern Dakotas southeastward into western Illinois.

Iowa recorded its hottest week since July 2012, with highs topping 104 degrees in Des Moines and Fort Madison on Aug. 30. Statewide, August rainfall ranked seventh driest in 141 years of records, and followed the ninth driest July.

Many Iowa locations also set new August records for dryness. Keokuk and Mount Pleasant had no precipitation, Burlington and Fort Madison had just a trace.

Small areas of severe drought also showed up in Illinois, Minnesota and Wisconsin this week. Drought also expanded or intensified in Mississippi and Oklahoma. No changes were made in Nebraska and Kansas, except for a small improvement in extreme sections of southeast Nebraska, northeast Kansas, southwest Iowa, and northwest Missouri, where some rain fell.

The drought monitor is produced by the National Drought Mitigation Center at the University of Nebraska-Lincoln, the National Oceanic and Atmospheric Administration, the USDA and about 350 drought observers across the country. It rates the level of drought on a scale from abnormally dry to moderate drought, severe drought, extreme drought, and exceptional drought.

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