

exit and increase in width toward the exit at least two inches to each ten running feet of length measured at a point furthest from an exit, cross aisle or foyer and shall be increased in width by one and one half inches for each five feet in length toward the exit, cross aisle or foyer. All exits and all aisles must shall be kept clear and unobstructed at all times during the performance. The changes contained herein shall apply to new and remodeling construction after July 1, 1971.

Approved June 3, 1971.

---

**CHAPTER 726—H.F.No.3170**

[Not Coded]

*An act relating to the city of Sleepy Eye; authorizing the city to acquire and finance a nursing home as a project under the municipal industrial development act.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **SLEEPY EYE, CITY OF; NURSING HOME.** The city of Sleepy Eye is authorized to exercise all of the powers conferred upon a municipality by Minnesota Statutes, Sections 474.02 to 474.13, for the purpose of acquiring a nursing home, retirement home, or home for the elderly, as a project within the meaning of section 474.02.

Sec. 2. Section 1 is effective only after its approval by the governing body of the city of Sleepy Eye and upon compliance with Minnesota Statutes, Section 645.021.

Approved June 3, 1971.

---

**CHAPTER 727—S.F.No.50**

[Coded in Part]

*An act relating to the pollution control agency; including noise within its jurisdiction; modifying municipal authority; amending Minnesota Statutes 1969, Sections 116.06, by adding subdivisions; 116.07, Subdivisions 2 and 4.*

Changes or additions indicated by underline, deletions by ~~strikeout~~.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1969, Section 116.06, is amended by adding a subdivision to read:

Subd. 11. POLLUTION CONTROL; NOISE. "Noise" means any sound not occurring in the natural environment, including, but not limited to, sounds emanating from aircraft and highways, and industrial, commercial, and residential sources.

Sec. 2. Minnesota Statutes 1969, Section 116.06, is amended by adding a subdivision to read:

Subd. 12. "Noise pollution" means the presence in the outdoor atmosphere of any noise or combination of noises in such quantity, at such levels, of such nature and duration or under such conditions as could potentially be injurious to human health or welfare, to animal or plant life, or to property, or could interfere unreasonably with the enjoyment of life or property.

Sec. 3. Minnesota Statutes 1969, Section 116.07, Subdivision 2, is amended to read:

**Subd. 2. ADOPTION OF STANDARDS.** The pollution control agency shall adopt standards of air quality, including maximum allowable standards of emission of air contaminants from motor vehicles, recognizing that due to variable factors, no single standard of purity of air is applicable to all areas of the state. In adopting standards the pollution control agency shall give due recognition to the fact that the quantity or characteristics of air contaminants or the duration of their presence in the atmosphere, which may cause air pollution in one area of the state, may cause less or not cause any air pollution in another area of the state, and it shall take into consideration in this connection such factors, including others which it may deem proper, as existing physical conditions, zoning classifications, topography, prevailing wind directions and velocities, and the fact that a standard of air quality which may be proper as to an essentially residential area of the state, may not be proper as to a highly developed industrial area of the state. Such standards of air quality shall be premised upon scientific knowledge of causes as well as effects based on technically substantiated criteria and commonly accepted practices. No local government unit shall set standards of air quality which are more stringent than those set by the pollution control agency.

The pollution control agency shall also adopt standards for the control of the collection, transportation and disposal of solid waste for the prevention and abatement of water, air and land pollution, recognizing that due to variable factors, no single standard of solid waste control is applicable to all areas of the state. In adopting

**Changes or additions indicated by underline, deletions by ~~strikeout~~.**

standards, the pollution control agency shall give due recognition to the fact that elements of control which may be reasonable and proper in densely populated areas of the state may be unreasonable and improper in sparsely populated or remote areas of the state, and it shall take into consideration in this connection such factors, including others which it may deem proper, as existing physical conditions, topography, soils and geology, climate, transportation, and land use. Such standards of solid waste control shall be premised on technical criteria and commonly accepted practices.

The pollution control agency shall also adopt standards describing the maximum levels of noise in terms of sound pressure level which may occur in the outdoor atmosphere, recognizing that due to variable factors no single standard of sound pressure is applicable to all areas of the state. Such standards shall give due consideration to such factors as the intensity of noises, the types of noises, the frequency with which noises recur, the time period for which noises continue, the times of day during which noises occur, and such other factors as could affect the extent to which noises may be injurious to human health or welfare, animal or plant life, or property, or could interfere unreasonably with the enjoyment of life or property. In adopting standards, the pollution control agency shall give due recognition to the fact that the quantity or characteristics of noise or the duration of its presence in the outdoor atmosphere, which may cause noise pollution in one area of the state, may cause less or not cause any noise pollution in another area of the state, and it shall take into consideration in this connection such factors, including others which it may deem proper, as existing physical conditions, zoning classifications, topography, meteorological conditions and the fact that a standard which may be proper in an essentially residential area of the state, may not be proper as to a highly developed industrial area of the state. Such noise standards shall be premised upon scientific knowledge as well as effects based on technically substantiated criteria and commonly accepted practices. No local governing unit shall set standards describing the maximum levels of sound pressure which are more stringent than those set by the pollution control agency.

Sec. 4. Minnesota Statutes 1969, Section 116.07, Subdivision 4, is amended to read:

Subd. 4. **REGULATIONS AND STANDARDS.** Pursuant and subject to the provisions of chapter 15, and the provisions hereof, the pollution control agency may adopt, amend and rescind regulations and standards having the force of law relating to any purpose within the provisions of Laws 1969, Chapter 1046, for the prevention, abatement, or control of air pollution. Any such regulation or standard may be of general application throughout the state, or may be limited as to times, places, circumstances, or conditions in order to make due allowance for variations therein. Without limitation,

Changes or additions indicated by underline, deletions by ~~strikeout~~.

regulations or standards may relate to sources or emissions of air contamination or air pollution, to the quality or composition of such emissions, or to the quality of or composition of the ambient air or outdoor atmosphere or to any other matter relevant to the prevention, abatement, or control of air pollution.

Pursuant and subject to the provisions of chapter 15, and the provisions hereof, the pollution control agency may adopt, amend, and rescind regulations and standards having the force of law relating to any purpose within the provisions of Laws 1969, Chapter 1046, for the collection, transportation, and disposal of solid waste and the prevention, abatement, or control of water, air, and land pollution which may be related thereto, and the deposit in or on land of any other material that may tend to cause pollution. Any such regulation or standard may be of general application throughout the state or may be limited as to times, places, circumstances, or conditions in order to make due allowance for variations therein. Without limitation, regulations or standards may relate to collection, transportation, disposal, equipment, location, procedures, methods, systems or techniques or to any other matter relevant to the prevention, abatement or control of water, air, and land pollution which may be advised through the control of collection, transportation, and disposal of solid waste, and the deposit in or on land of any other material that may tend to cause pollution.

Pursuant and subject to the provisions of chapter 15, and the provisions hereof, the pollution control agency may adopt, amend and rescind regulations and standards having the force of law relating to any purpose within the provisions of this act, for the prevention, abatement, or control of noise pollution. Any such regulation or standard may be of general application throughout the state, or may be limited as to times, places, circumstances or conditions in order to make due allowances for variations therein. Without limitation, regulations or standards may relate to sources or emissions of noise or noise pollution, to the quality or composition of noises in the natural environment, or to any other matter relevant to the prevention, abatement, or control of noise pollution.

As to any matters subject to chapter 116, local units of government may set emission regulations with respect to stationary sources which are more stringent than those set by the pollution control agency.

Sec. 5. Minnesota Statutes 1969, Section 116.07, Subdivision 5, is amended to read:

Subd. 5. **VARIANCES.** The pollution control agency may grant variances from the requirements of regulations or standards upon such procedure and conditions as it may by regulation prescribe in order to avoid undue hardship and promote the effective and

**Changes or additions indicated by underline, deletions by ~~strikeout~~.**

reasonable application and enforcement of laws, regulations, and standards for prevention, abatement and control of water, air, noise, and land pollution.

Sec. 6. Minnesota Statutes 1969, Section 116.08, Subdivision 1, is amended to read:

**116.08 ENFORCEMENT.** Subdivision 1. **VIOLATIONS; PENALTIES.** It shall be the duty of every person affected to comply with the provisions of sections 116.01 to 116.09 as now in force or hereafter amended, relating to sources of air contamination or air pollution, emissions, emission facilities, treatment facilities, storage facilities, and other means, operations, ~~act~~ acts or omissions causing air contamination or air pollution, or any thereof, and with the provisions of every regulation or standard of the pollution control agency relating thereto.

It shall also be the duty of every person affected to comply with the provisions of sections 116.01 to 116.09 as now in force or hereafter amended, relating to the pollution of land originating from the collection, transportation and disposal of solid waste or other means, operations, acts, or omissions causing land pollution, and with the provisions of every regulation or standard of the pollution control agency relating thereto, and the deposit in or on land of any other material that may tend to cause pollution.

It shall also be the duty of every person affected to comply with the provisions of sections 116.01 to 116.09 as now in force or hereafter amended, relating to sources of noise pollution, emissions, emission facilities, treatment facilities, and other means of operation, acts or omissions causing air contamination or air pollution or any thereof, and with the provisions of every regulation or standard of the pollution control agency relating thereto.

Violation of any such provision shall be a misdemeanor, punishable by a fine of not exceeding \$100 or imprisonment for not exceeding 90 days. Each day of any such violation shall constitute a separate offense. It shall be the duty of all county attorneys, sheriffs and other peace officers, and other officers having authority in the enforcement of the general criminal laws to take all action to the extent of their authority, respectively, that may be necessary or proper for the enforcement of said provisions.

Sec. 7. Minnesota Statutes 1969, Section 116.08, Subdivision 2, is amended to read:

Subd. 2. **CIVIL ACTIONS.** The provisions of law, regulations, or standards specified in subdivision 1 or any thereof may be enforced by injunction, action to compel performance, or other appropriate action in the district court of any county wherein the applicable

Changes or additions indicated by underline, deletions by ~~strikeout~~.

provision takes effect. Without limitation, (a) the maintenance, operation, or allowance ~~or of~~ any emission, emission facility, treatment facility, or storage facility contrary to any provision of sections 116.01 to 116.09 or any regulation or standard thereunder or the maintenance, operation, or allowance of any other source or means causing air contamination or air pollution in violation of any such provision, (b) the maintenance, operation, or allowance of any emission, emission facility, or treatment facility contrary to any provisions of section 116.01 to 116.09 of any regulation or standard thereunder or the maintenance, operation or allowance of any other source or means causing noise pollution in violation of any such provision, or (c) ~~including, without limitation,~~ the maintenance, operation, or allowance of any collection, transportation, or disposal of solid waste contrary to any provision of sections 116.01 to 116.09 or any regulation or standard thereunder or the pollution of any land which may originate from or relate to the collection, transportation, or disposal of solid waste in violation of any such provision, shall be a public nuisance, and may be enjoined and abated as such by appropriate action in the district court of the county in which the subject matter or any part thereof is situated. The attorney general or the county attorney of the county of original venue as hereinbefore provided shall bring and maintain any action specified in this subdivision on request of the pollution control agency.

Approved June 4, 1971.

---

## CHAPTER 728—S.F.No.69

*An act relating to public drainage systems; amending Minnesota Statutes 1969, Section 106.061.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1969, Section 106.061, is amended to read:

**106.061 DRAINAGE; DISMISSAL OF PROCEEDINGS.** ~~In~~ Any proceeding under the provisions of this chapter ~~may be dismissed by,~~ all a majority of the petitioners, provided that the petitioners joining in the dismissal own not less than 60 percent in area of the land owned by all of the petitioners as such land was described in the petition. ~~may dismiss the same~~ The proceeding may be dismissed at any time prior to the making of the order establishing the improve-

**Changes or additions indicated by underline, deletions by ~~strikeout~~.**