

Sec. 2. EFFECTIVE DATE.

Section 1 is effective for contracts entered into or renewed after August 1, 1999.

Presented to the governor April 20, 1999

Signed by the governor April 23, 1999, 11:17 a.m.

CHAPTER 95—S.F.No. 1470

An act relating to natural resources; modifying the route of Paul Bunyan state trail; permitting operation of motorized devices by physically disabled on certain state trails; amending Minnesota Statutes 1998, sections 85.015, subdivision 15; and 85.018, subdivision 4.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1998, section 85.015, subdivision 15, is amended to read:

Subd. 15. **PAUL BUNYAN TRAIL, CROW WING, CASS, HUBBARD, AND BELTRAMI COUNTIES.** The trail shall originate in the city of Baxter Crow Wing state park in Crow Wing county and shall extend through the city of Baxter and in a northerly direction along the Burlington Northern Railroad right-of-way, intersecting the Heartland state trail southeast southwest of the city of Walker in Cass county. The trail shall continue on the Heartland state trail through the city of Walker, then in a northwesterly direction along the Burlington Northern Railroad right-of-way to the city of Bemidji in Beltrami county and there terminate in Lake Bemidji state park.

Sec. 2. Minnesota Statutes 1998, section 85.018, subdivision 4, is amended to read:

Subd. 4. **NONMOTORIZED USE TRAILS.** No motorized vehicle shall be operated on a trail designated for nonmotorized use. This subdivision does not apply to motorized wheelchairs or other motorized devices operated by an individual who is physically disabled.

Presented to the governor April 20, 1999

Signed by the governor April 23, 1999, 11:48 a.m.

CHAPTER 96—S.F.No. 854

An act relating to land use; precluding the termination of lawful land uses by amortization; providing exceptions; amending Minnesota Statutes 1998, sections 394.21, by adding subdivisions; and 462.357, by adding subdivisions.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1998, section 394.21, is amended by adding a subdivision to read:

Subd. 1a. **AMORTIZATION PROHIBITED.** Except as otherwise provided in this subdivision, a county, regardless of population, under this chapter or under a special

New language is indicated by underline, deletions by strikeout.

or local law, must not enact, amend, or enforce an ordinance providing for the elimination or termination of a use by amortization which use was lawful at the time of its inception. This subdivision does not apply to adults-only bookstores, adults-only theaters, or similar adults-only businesses, as defined by ordinance.

Sec. 2. Minnesota Statutes 1998, section 394.21, is amended by adding a subdivision to read:

Subd. 3. **NUISANCE.** Subdivision 1a does not prohibit a county from enforcing an ordinance providing for the prevention or abatement of nuisances, as defined in section 561.01, or eliminating a use determined to be a public nuisance, as defined in section 617.81, subdivision 2, paragraph (a), clauses (1) to (9), without payment of compensation.

Sec. 3. Minnesota Statutes 1998, section 462.357, is amended by adding a subdivision to read:

Subd. 1c. **AMORTIZATION PROHIBITED.** Except as otherwise provided in this subdivision, a municipality must not enact, amend, or enforce an ordinance providing for the elimination or termination of a use by amortization which use was lawful at the time of its inception. This subdivision does not apply to adults-only bookstores, adults-only theaters, or similar adults-only businesses, as defined by ordinance.

Sec. 4. Minnesota Statutes 1998, section 462.357, is amended by adding a subdivision to read:

Subd. 1d. **NUISANCE.** Subdivision 1c does not prohibit a municipality from enforcing an ordinance providing for the prevention or abatement of nuisances, as defined in section 561.01, or eliminating a use determined to be a public nuisance, as defined in section 617.81, subdivision 2, paragraph (a), clauses (1) to (9), without payment of compensation.

Sec. 5. EXCEPTIONS.

(a) Notwithstanding section 3, the city of St. Louis Park may enforce ordinance number 2039-95, amending the city code adding section 14:7-4.1 (1995), adopted by the city on October 2, 1995, relating to the amortization of a nonconforming ready-mix facility.

(b) This act does not apply to an ordinance that is the subject of an action commenced on or before January 1, 1999, to amortize a specific land use. Such an ordinance may be enforced only with regard to the specific use that is the subject of the action and only as determined by the court or by the parties in an agreement to settle the action.

(c) A city that is a party to an action commenced on or before January 1, 1999, to eliminate a land use, may enact and enforce an amortization of use ordinance to eliminate the land use that is the subject of the action.

Sec. 6. EFFECTIVE DATE.

Sections 1 to 4, and 5, paragraphs (b) and (c), are effective the day after their final enactment. Section 5, paragraph (a) is effective the day following final enactment without local approval, as provided in Minnesota Statutes, section 645.023.

Presented to the governor April 20, 1999

Signed by the governor April 23, 1999, 11:50 a.m.

New language is indicated by underline, deletions by ~~strikeout~~.