

**SENATE  
STATE OF MINNESOTA  
NINETY-THIRD SESSION**

**S.F. No. 2439**

(SENATE AUTHORS: FATEH)

DATE  
03/02/2023

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OFFICIAL STATUS  
Introduction and first reading  
Referred to State and Local Government and Veterans

1.1 A bill for an act  
1.2 relating to local government; allowing amortization of certain facilities; amending  
1.3 Minnesota Statutes 2022, section 462.357, subdivision 1c.

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

1.5 Section 1. Minnesota Statutes 2022, section 462.357, subdivision 1c, is amended to read:

1.6 Subd. 1c. **Amortization prohibited; exceptions.** (a) Except as otherwise provided in  
1.7 this subdivision, a municipality must not enact, amend, or enforce an ordinance providing  
1.8 for the elimination or termination of a use by amortization which use was lawful at the time  
1.9 of its inception.

1.10 (b) This subdivision does not apply to:

1.11 (1) adults-only bookstores, adults-only theaters, or similar adults-only businesses, as  
1.12 defined by ordinance; or

1.13 (2) a facility that requires a permit under section 116.07 and is located:

1.14 (i) within a half-mile of a site that was previously designated by the federal government  
1.15 as an EPA superfund site due to residential arsenic contamination and near the junctions of  
1.16 several heavily trafficked state, county, and municipal roads that carry both truck and auto  
1.17 traffic; and

1.18 (ii) in a community where a majority of the population are low-income persons of color  
1.19 and American Indians and a disproportionate percentage of the children have childhood  
1.20 lead poisoning, asthma, or other environmentally related health problems.