

## ORDINANCE NO. 2025-41

### AN ORDINANCE DELETING OUTDATED AIR POLLUTION CONTROL DEVICE PERMITS, THEREBY AMENDING CHAPTERS 6 AND 10 AND APPENDIX A OF THE CITY CODE

The City Council of the City of Bloomington, Minnesota ordains:

Section 1. That Chapter 6 of the City Code is hereby amended by deleting those words that are contained in brackets and ~~[stricken through]~~ and adding those words that are underlined, to read as follows:

#### CHAPTER 6: FIRE PREVENTION AND PROTECTION

##### ARTICLE I: FIRE CODE

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##### § 6.11 OPEN BURNING PROHIBITED EXCEPT BY PERMIT.

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(e) The Fire Marshal may limit an open burning permit by location, time, and in such other manner as the Fire Marshal may prescribe and shall be issued only under such circumstances as may be allowed by the air pollution regulations described in Minnesota Statutes Chapter 116~~[10.02(a) of this city code]~~.

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Section 2. That Chapter 10 of the City Code is hereby amended by deleting those words that are contained in brackets and ~~[stricken through]~~ and adding those words that are underlined, to read as follows:

#### CHAPTER 10: ENVIRONMENTAL CONTROL

##### ARTICLE I: ~~[AIR POLLUTION]~~RESERVED

##### § 10.01 ~~[SCOPE]~~RESERVED.

~~[This Article I shall be applicable to all new and existing sources of air pollution or contamination located in or operated within the city. This Article I is designed to lessen or prevent the discharge of air contaminants or pollutants through the regulation of the following:~~

- ~~—(1) The design and installation of accessory or appurtenant parts and equipment of buildings and structures, and the uses of land connected with the emission of air contaminants;~~
- ~~—(2) The operation or use of equipment and appliances emitting air contaminants;~~
- ~~—(3) The conduct or carrying on of uses of land which cause the emission of air contaminants;~~
- ~~and~~
- ~~—(4) The abatement of an operation, activity or use causing air contamination.]~~

##### § 10.02 ~~[AIR POLLUTION CONTROL REGULATIONS]~~RESERVED.

~~[(a) *Minnesota Statutes.*~~

~~—(1) Pursuant to M.S. § 471.62, as it may be amended from time to time, the Air Pollution Control Regulations and Ambient Air Quality Standards 1–17, inclusive, of the Minnesota Pollution Control Agency (M.S. § 116.07, as it may be amended from time to time, filed with the Commissioner of Administration of the state as of January 21, 1973), are hereby adopted by reference, except insofar as said regulations and standards are modified by or inconsistent with other provisions of this section.~~

~~—(2) The City Clerk shall mark and keep on file in the office of the City Clerk one copy of said regulations for use and examination by the public and shall furnish a copy of this Article I and said regulations at cost to any person upon request.~~

~~—(b) *Definitions.* The following words and terms, when used in this Article I, shall have the following meanings, unless the context clearly indicates otherwise.~~

~~—**AIR POLLUTION CONTROL DEVICE.** Any article, machine, apparatus, equipment or contrivance used or installed to reduce the amount of contaminants expelled into the ambient air. Such devices shall include, but not be limited to, the following:~~

- ~~—(A) Incinerators;~~
- ~~—(B) Settling chambers;~~
- ~~—(C) Cyclones;~~
- ~~—(D) Liquid scrubbers;~~
- ~~—(E) Electrostatic precipitators;~~
- ~~—(F) Fabric collectors;~~
- ~~—(G) Condensors;~~
- ~~—(H) Absorption cleaning devices;~~
- ~~—(I) Adsorption cleaning devices; and~~
- ~~—(J) Filter devices.~~

~~—**MANAGER.** The Environmental Health Manager for the city.~~

~~—(c) *Installation and operation of devices.*~~

~~—(1) *Permit required.*~~

~~—(A) An operational permit must be obtained from the Environmental Health Division of the city for each air pollution control device, and no air pollution control device may be operated until an operational permit has been obtained. Each permit shall be valid for a period of one year.~~

~~—(B) No operational permit shall be issued or renewed for any pollution control device until the Manager or his or her agent has evaluated and approved the performance of said device according to the standards incorporated herein.~~

~~—(C) If an operational permit is not obtained or renewed in accordance with the above provisions, the operation of the device must be terminated until a permit is secured.~~

~~—(D) A nonrefundable fee shall be paid to the city by the applicant at the time of filing an application for a permit. The fee shall be as set forth in City Code Appendix A.~~

~~—(2) *Reasonable access.* All permit holders shall allow the Manager or any of his or her agents reasonable access to the premises on which the pollution control device is located for purposes of enforcing this Article I.~~

~~—(3) *Suspension of permit.* Upon determination that a violation of any provision of this Article I has occurred or is occurring, the Manager or his or her agents may suspend the operational permit until the violation has been corrected.~~

~~—(d) *Unapproved air pollution control devices.*~~

~~—(1) *Incinerators.*~~

~~—(A) *Sealing of interior and exterior incinerators.*~~

~~—(i) Within a reasonable time, not to exceed seven days from the time that any incinerator ceases to be approved by the Manager or his or her agent, said incinerator shall be sealed by the owner thereof according to the provisions of subsection (d)(1)(B) below.~~

~~—(ii) The Manager shall have the authority to establish reasonable and specific standards of efficacy for sealments. Each sealment shall meet these standards as promulgated.~~

~~—(iii) Compliance with the provisions of this subsection (d)(1) shall not relieve the owner of the incinerator from compliance with subsection (d)(2) below.~~

~~—(B) *Removal of exterior incinerators.* Within a reasonable time, not to exceed 60 days from the time that an incinerator exterior to the building ceases to be approved by the Manager or his or her agent, said incinerator shall be removed and disposed of by the owner in a manner approved by the Manager or his or her agent.~~

~~—(C) *Existing unapproved incinerators.* The owners of those incinerators which exist and which are unapproved on the effective date of this section shall be treated in the following manner:~~

~~—(i) The owner of such incinerator shall have seven days from the effective date of this section to comply with the sealing requirements of subsection (d)(1) above.~~

~~—(ii) The owner of such exterior incinerator shall have 60 days from the effective date of this section to comply with the removal and disposal requirements of subsection (d)(2) above.~~

~~—(D) *Violation and penalty.* A separate violation of subsections (d)(1), (d)(2) and (d)(3) above shall accrue for each week during which the terms of those subsections are not met. In addition to any other remedy provided herein, violation of any of the provisions of this Article I is hereby made a misdemeanor.]~~

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Section 3. That Appendix A of the City Code is hereby amended by deleting those words that are contained in brackets and ~~[stricken through]~~ and adding those words that are underlined, to read as follows:

#### **APPENDIX A: ADMINISTRATIVE RELIEF AND FEE SCHEDULE**

This appendix contains the various fees adopted by ordinance in the listed sections of the City Code.

| <b>Chapter 10: Environmental Control</b> |                    |                                                          |                    |
|------------------------------------------|--------------------|----------------------------------------------------------|--------------------|
| <b>CODE SECTION</b>                      | <b>CROSS- REF</b>  | <b>DESCRIPTION</b>                                       | <b>FEE</b>         |
| ***                                      |                    |                                                          |                    |
| <del>§ 10.02</del>                       | <del>§ 14.03</del> | <del>Air Pollution Control Device Operating Permit</del> | <del>\$56.50</del> |

Section 4. Effective Date. This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed and adopted this 17<sup>th</sup> day of November, 2025.

/s/ Victor Rivas  
Acting Mayor

ATTEST:

APPROVED:

/s/ Priyanka Rai  
Secretary to the Council

/s/ Melissa J. Manderschied  
City Attorney