



CITY OF MARSHALL
Legislative and Ordinance Committee
Agenda
Tuesday, May 14, 2024 at 4:00 PM
344 W. Main St., City Hall

APPROVAL OF AGENDA

APPROVAL OF MINUTES

- [1.](#) Consider Approval of the Minutes

NEW BUSINESS

- [2.](#) Registration Requirements for Intoxicating Cannabinoid Products
- [3.](#) Ch 74-261 Operation of Motorized Golf Cart, All-Terrain Vehicles, or Mini-Trucks

OTHER BUSINESS ITEMS

- [4.](#) [Zoning](#) Ordinance Application Beyond City Limits

ADJOURN

Disclaimer: These agendas have been prepared to provide information regarding an upcoming meeting of the Common Council of the City of Marshall. This document does not claim to be complete and is subject to change.



CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Chair
Meeting Date:	Tuesday, May 14, 2024
Category:	APPROVAL OF MINUTES
Type:	ACTION
Subject:	Consider Approval of the Minutes
Background Information:	Enclosed are the minutes from the previous meeting.
Fiscal Impact:	
Alternative/ Variations:	Staff encourages Members to provide any suggested corrections to the minutes in writing to City Clerk, Steven Anderson, prior to the meeting.
Recommendations:	That the minutes from the previous meeting be approved as filed with each member and that the reading of the same be waived.

CITY OF MARSHALL
LEGISLATIVE AND ORDINANCE COMMITTEE
M I N U T E S
Tuesday, March 26, 2024

MEMBERS PRESENT: James Lozinski, See Moua-Leske and Steve Meister
MEMBERS ABSENT: None
STAFF PRESENT: Sharon Hanson, City Administrator; Pamela Whitmore, City Attorney (via Zoom); Jason Anderson, Director of Public Works/ City Engineer; Ilya Gutman, Plans Examiner; and Steven Anderson, City Clerk.
OTHERS PRESENT: Joseph Sathe, Attorney for Kennedy and Graven.

At 12:45 Chair Lozinski called the meeting to order.

Consider Approval of the Minutes

No changes or amendments were requested of the minutes.

Motion made by Meister, seconded by Moua-Leske to approve the minutes as presented. All voted in favor.

An Ordinance Establishing Licensing and Registration Requirements for Intoxicating Cannabinoid Products

Attorney Sathe explained the need to license and register intoxicating hemp products. Sathe modeled the proposed ordinance after the city's current tobacco ordinance, which was commonly being done throughout the state. It also allowed amendments to be more easily adopted until the Office of Cannabis Management takes over licensing. The proposed amendments were divided into off-sale licensing and registration and on-site consumption licensing and registration. Lozinski questioned the definition of "movable place of business". Some businesses in Marshall operate at locations that are not their physical location for events or contracts with other places of business. Whitmore cautioned that looking at only current business' when considering a movable place of business could later run into issues when new businesses come into town and find creative ways to take advantage of the phrasing. The group clarified that the intention would be for businesses that possess a caterer's license issued by the State of Minnesota. Moua-Leske asked if food trucks needed a catering license. Clerk Anderson said he would investigate the question. The group discussed if there should be a limit on the number of intoxicating hemp stores or would gas stations be allowed to sell low potency hemp products as well. There were also questions on how the city would determine if hemp products were more than 10% of gross revenue or 10% of a retail space for a business. Gutman wanted clarification on the distance requirements from parks and schools. Sathe clarified that retail stores would fall under the distance requirements but on-site consumption at restaurants that possess an on-sale intoxicating liquor license would be exempt. The committee members discussed incidental sales and possibly allowing them in retail stores. Gas stations and other incidental sales locations were not included to sell intoxicating hemp products under the draft that was proposed.

Gutman requested that the B-1 zoning district be removed as an allowed use. Under the comprehensive plan the B-1 zoning district would be converted into a mixed-use area. The committee decided to leave B-1 zoning as is under the draft ordinance until the changes to B-1 zoning come before the Legislative and Ordinance Committee for amendments. Sathe requested the committee to decide how to treat liquor license holders that were in non-business districts such as the golf course. The committee agreed that liquor license holders in non-business districts should be able to get an on-site consumption license for intoxicating hemp products. Meister inquired about the buffer zone provisions and whether they were needed. The group then discussed drug use in schools and how perception about having intoxicating hemp products sold in proximity to schools would look. Committee members agreed to leave the school buffer zones but to remove buffer zones from daycares and treatment facilities. Lozinski asked about the countywide license limit and how that would affect the city. Whitmore said that each local jurisdiction has control over the number of licenses they wish to issue unless they relinquish that control to the county. The license limit also only pertained to high level cannabis and lower potency did not have a limit on how many could be issued. Director Anderson sought clearness on sales at gas stations. Sathe stated he could add language for specific locations. The committee members further discussed gas stations and incidental sales and eventually decided to allow all retail to register and sell lower-level products but to limit higher level cannabis to three retail stores. The committee also requested to remove the 10% of gross revenue or 10% of retail space in the intoxicating

hemp product shop definition. Sathe wanted confirmation that the committee wished to remove the license process but keep registration for off-sale and on-sale. Director Anderson requested that the distance requirements start from the center of a primary building and be linked to the zoning map.

Committee members requested that staff take the suggestions presented today and bring back revisions later.

Ordinance Amendment to Section 86-162 Yard Modification

The last variance application staff had to process was a request for a reduced front yard for a garage addition. The house was located at the corner of a street and cul-de-sac, which effectively cut out a back corner out of the lot. This wasn't an uncommon situation as there were many similarly located lots throughout the city, so staff recommended denial based on the fact the lot was not sufficiently unique to meet one of the conditions for a "practical difficulty" test for granting a variance. However, during the Planning Commission meeting, one of the members questioned the applicability of the front yard requirement to similar situations. Following the meeting staff internally discussed other circles and concluded that reducing front yard for curved portions to 15 feet would not be detrimental to the neighborhoods. The reduction would only be pertinent to some corner lots at cul-de-sac entries, since other, pie shaped lots would not have a long enough frontage to utilize a reduced yard. Committee members discussed various setback distances and orientations of houses on circles. Whitmore explained the variance adjustment permit process in case law and how it applied to the discussion. Committee members asked whether the 15-foot setback was for the entire circle or just the corner lots on a cul-de-sac. Staff clarified that it was meant to be the entire curved portion of the cul-de-sac.

Motion made by Meister, seconded by Moua-Leske to recommend the amendments to Section 86-162 Yard Modification go to City Council. All voted in favor.

At 2:00 PM a motion was made by Meister, Seconded by Moua-Leske to adjourn the meeting. All voted in favor.

Respectfully Submitted,

Steven Anderson
City Clerk

Presenter:	Joe Sathe/Pam Whitmore
Meeting Date:	Tuesday, May 14, 2024
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Registration Requirements for Intoxicating Cannabinoid Products
Background Information:	<p>Adding On-Site to the Zoning Code. I did not add On-Site Intoxicating Hemp Product Businesses as a “use” in the zoning code because there is no “zoning” regulation associated with the registration. The On-Site registration can only be issued to a business also licensed for on-sale liquor (which is regulated by the zoning code), but if we do not have to establish a new “use” then I think the City avoids accidentally creating an issuing with legal non-conforming uses in the future. Let me know if I am off-base here.</p> <p>500-foot buffer from schools (Ord. Sections 3-6). The only buffer remaining after the L&O committee was a 500-foot buffer from schools for the Off-site stores (Intoxicating Hemp Products Business). The language provides that the distance would be measured from the center of the primary school building to the property line of the registering business and that the “primary building” would be established by the City in a map published by the city. The language purposefully does not refer to the “zoning map” to avoid any confusion with the official zoning map, as there should instead be in a separate map specifically for the purpose of establishing the primary structure and outlining the associated buffers.</p> <p>Moveable Place of Business (Section 22-223). I added a separate section on Moveable Place of business saying that no registration will be issued for a moveable place of business. The definition of moveable place of business excludes businesses operating under a caterer’s permit.</p> <p>Administrative Citations (Section 22-233). Does the City want to subject this chapter to the standard Administrative Citation process or, as is currently drafted, include a standalone process for Intoxicating Hemp violations similar to tobacco? Administrative Citations are found in Article 2-VII</p> <p>Misdemeanor Prosecution (Section 22-234 (f-g) – We recommend leaving these provisions on Misdemeanor Prosecution and Continued violations regardless of the decision on whether to issue administrative citations under the code-wide provision or a chapter specific provision.</p> <p>Penalty Location (Section 22-234) – The current draft language includes the amount of administrative citations in the ordinance language. I think that when we revise the ordinance to address high-potency products we can move the penalty amounts to the fee schedule. It is not clear to me what level of authority the City will be have to impose fines/fee once the state takes over licensing.</p>
Fiscal Impact:	
Alternative/ Variations:	
Recommendations:	To provide comment and direction on THC registration.

ORDINANCE NO. _____

CITY OF MARSHALL
STATE OF MINNESOTA

AN ORDINANCE ESTABLISHING ~~LICENSING AND~~ REGISTRATION
REQUIREMENTS FOR THE SALE OF INTOXICATING CANNABINOID PRODUCTS
AND AMENDING THE CITY'S ZONING CODE TO ESTABLISH DISTANCE
REQUIREMENTS FROM CERTAIN BUSINESSES AND PROHIBIT CERTAIN HOME
OCCUPATIONS

The Common Council of the City of Marshall do ordain:

SECTION 1. City Code of Ordinances, Chapter 22, Businesses, is hereby amended by adding Article 22-VIII in its entirety as follows:

Section 22-220 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

CBD means a compound of the cannabis plant known as cannabidiol.

Intoxicating Hemp Product means any product that is intended to be eaten or consumed as a beverage by humans, contains a cannabinoid other than CBD in combination with food ingredients, ~~and~~ is not a drug, and meet the requirements to be sold under Minnesota Statutes, [§ 151.72](#). ~~This does not include any product intended to be consumed by combustion or vaporization of the product, by inhalation of smoke, aerosol, or vapor from the product or through injection or application to a mucus membrane or nonintact skin.~~ A product intended to only contain CBD but which may contain less than trace amounts of tetrahydrocannabinol (THC) as an unintended result of the manufacturing process is not considered an Intoxicating Hemp Product. ~~Intoxicating Hemp Product does not include any product intended to be consumed by combustion or vaporization of the product and inhalation of smoke, aerosol, or vapor from the product or through injection or application to a mucus membrane or nonintact skin.~~

Intoxicating Hemp Product ~~Shop~~Business means a business that sells Intoxicating Hemp Products ~~and derives more than 10% of its gross revenue from OR dedicates more than 10% of its retail space to the sale of Intoxicating Hemp Product~~ [at retail for off-site consumption](#).

Licensed Premises means the area from which an Intoxicating Hemp Product ~~Shop~~Business sells Intoxicating Hemp Products and for an On-Site Intoxicating Hemp Product ~~Retailer~~Business and Liquor Store shall mean the licensed premises pursuant to its license issued under Minnesota Statutes, [Chapter 340A](#).

Liquor Store means a business licensed pursuant to Minnesota Statutes, ~~section~~ [Chapter 340A](#) to sell alcoholic beverages in original packages for consumption off the licensed premises only.

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Moveable place of business means any form of business operated out of a truck, van, automobile, or other type of vehicle or transportable shelter and not a fixed address store front or other permanent type of structure authorized for sales transactions. Moveable Place of Business does not include On-Site Intoxicating Hemp Product Businesses selling Intoxicating Hemp Products at a location pursuant to a caterer's permit.

On-Site Intoxicating Hemp Product ~~Retailer~~Business a business with an on-sale liquor license pursuant to Minnesota Statutes, Chapter 340A and which sells Intoxicating Hemp Products that are intended to be consumed as a beverage, for on-site consumption.

Sale means any transfer of goods for money, trade, barter or other consideration.

THC means the chemical compound of the cannabis plant tetrahydrocannabinol.

Section 22-221 Purpose

~~Because the~~The city recognizes that ~~persons under the age of 21 years may purchase or otherwise obtain, possess and use Intoxicating Hemp Products which contain~~the sale of certain products containing the psychoactive cannabis compound THC; ~~and the sale of these products to persons under 21 years of age are violations of state and federal laws; and because the use of Intoxicating Hemp Product products by those underage subsequently places a financial~~ is legal when those sales are to individuals 21 years of age or older, and that the increase of these types of products in the community increases the likelihood that youth will have access to and use products containing THC. The use of those products by individuals under the age of 21 places a burden on all levels of government, resulting in financial and other public resources being needed to address both violations of laws and regulations regarding such use, including the impacts on health . The purpose of this chapter is ~~intended~~ to regulate the sale of ~~Intoxicating Hemp Products~~products containing THC for the purpose of enforcing and ~~furthering~~further existing laws and regulations.

Section 22-222 ~~License or~~ Registration Required

~~Before making retail sales of~~Businesses may only sell Intoxicating Hemp Products to customers, ~~an On-Site Intoxicating Hemp Product Retailer must register with the city for on-site or off-site consumption, if one of the following three conditions apply:~~

- (a) For on-site consumption, an On-Site Intoxicating Hemp Product Business must be registered with the city before making sales to customers and must have an active on-sale liquor license pursuant to Minnesota Statutes Chapter 340A.
- (b) ~~Before making retail sales of Intoxicating Hemp Products to customers~~For off-site consumption, an Intoxicating Hemp Products ~~Shop~~Business must ~~obtain a license from~~be registered with the city before making sales to customers.
- (c) No city-issued ~~license or~~ registration is required for a business selling medical cannabis as part of the Minnesota's Medical Cannabis Program described in Minnesota Statutes, ~~section~~§§ 152.22 to 152.37 or for a Liquor Store.

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Section 22-223 Registration Application and General Information

- (a) General Application Information – Both On-Site Intoxicating Hemp Product Retailers Businesses and Intoxicating Hemp Product Businesses must submit the following to the City:
- (1) Complete registration form, including confirmation that the business is registered with the Minnesota Department of Health ~~and must complete and submit the city's registration form.~~
 - (2) ~~On-Site Intoxicating Hemp Product Retailers must submit a~~ registration fee, which shall be established pursuant to City Council resolution or City Council Fee Schedule.
- (b) Additional On-Site Intoxicating Hemp Product Business Application Information – In addition to the application information contained in §22-223 (a), On-Site Intoxicating Hemp Product Businesses must also submit confirmation that the premises has an on-sale liquor license issued pursuant to Minnesota Statutes, Chapter 340A.
- (c) No Moveable Place of Business – No Intoxicating Hemp Moveable Place of Business is allowed and, as a result, no registration will be issued for a Moveable Place of Business.
- (d) Term – Registrations are valid for a term of one year from the date they are issued by the City. Businesses renewing their registration must submit a renewal fee at the time of renewal.
- (e) Registration Conditions – Registrants are subject to the performance standards and penalties in §§ ~~22-241—22-248~~ 22-224 - 22-234. Violation of any of the applicable provisions of this chapter is considered a violation of City Code and may result in criminal penalties, administrative fines or the City revoking a registration.

Section 22-224 Zoning Requirements

No ~~license or~~ registration issued under this Chapter shall be granted until all applicable zoning requirements are met or until all conditions for approval of the use have been satisfied.

Section 22-225 Limit on ~~licenses;~~ registrations

- ~~(a) **Intoxicating Hemp Product Shop.** No more than two (2) licenses shall be issued to businesses meeting or exceeding the definition of Intoxicating Hemp Products Shop at any one time. In the event that more than two applications are submitted at the same time, then a point system shall be used to determine which businesses are issued the two (2) licenses, with one point for each of the criteria below:~~
- (a) Intoxicating Hemp Product Business. The City has not established a limit on the number of Intoxicating Hemp Product Business registrations.
- ~~1. It is an existing business that has been established at the location for more than 6 months or it is a business applying for a renewal application.~~
 - ~~2. The establishment location is a legal conforming use.~~
 - ~~3. The applicant/owner is a Marshall resident~~
 - ~~4. The applicant is a member of a historically disadvantaged community~~

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~~5. A completed application was submitted that complies with all information required and fees paid.~~

~~The two applications with the highest number of points shall be issued a license. In case of a tie, the licenses shall be determined through a drawing by the Mayor.~~

- (b) ~~On-Site Intoxication Hemp Product Retailers. No more than _____ registrations will be issued to Businesses. The City has not established a limit on the number of On-Site Intoxicating Hemp Products Retailers Product Business registrations other than requiring these businesses to have up-to-date on-sale liquor license.~~

Section 22-226 Applications

~~An application for a license shall be made on a form provided by the city. The application shall contain the full name of the applicant, the applicant's residential and business addresses and telephone numbers, the name of the business for which the license is sought, a copy of the educational materials the applicant uses to educate employees as part of its instructional program, and any additional information the city deems necessary. Upon receipt of a completed application, the city clerk shall forward the application to the council for action at its next regularly scheduled council meeting. If the city clerk shall determine that an application is incomplete, he shall return the application to the applicant with notice of the information necessary to make the application complete.~~

Section 22-227 Investigation

~~For all new or renewal applications a Criminal History License Background Check must be conducted pursuant to City Code, section 2-60. If more than one background investigation is required, the applicant shall pay a background investigation fee for each background investigation conducted. For applicants who have an existing license and wants to add an additional location at any time other than annual renewal, a background investigation will be required.~~

~~For applicants who are applying for a license for more than one location, only one background investigation and background investigation fee shall be required.~~

Section 22-228 Approval Or Denial

~~The council may either approve or deny the license, or it may delay action for such reasonable period of time as necessary to complete any investigation of the application, or the applicant, it deems necessary. If the council shall approve the license, the city clerk shall issue the license to the applicant. If the council denies the license, notice of the denial shall be given to the applicant along with notice of the applicant's right to appeal the council's decision.~~

Section 22-229 Basis For Denial

~~The following shall be grounds for denying the issuance or renewal of a license under this article; however, except as may otherwise be provided by law, the existence of any particular ground for denial does not mean that the city must deny the license. If a license is mistakenly issued or renewed to a person, it shall be revoked upon the discovery that the person was ineligible for the license under this article.~~

- (a) ~~The applicant is under the age of 21 years.~~

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- ~~(b) The applicant has been convicted within the past five years of any violation of a federal, state or local law, ordinance provision, or other regulation relating to Intoxicating Hemp Products.~~
- ~~(c) The applicant has had a license to sell Intoxicating Hemp Products revoked within the preceding 12 months of the date of application.~~
- ~~(d) The applicant fails to provide any information required on the application, or provides false or misleading information.~~
- ~~(e) The applicant is prohibited by federal, state or other local law, ordinance or other regulation, from holding such a license.~~

Section 22-230 Movable Place Of Business

~~No license shall be issued to a moveable place of business. Only fixed location businesses shall be eligible to be licensed under this article.~~

Section 22-231 Eligible Locations

~~Licenses shall only be issued to municipal liquor stores or businesses meeting the definition of an Intoxicating Hemp Product Shop.~~

Section 22-232 Fees

~~No license shall be issued under this article until the appropriate license fee shall be established pursuant to a resolution of the city council. No licenses shall be issued until the fee is paid in full.~~

Section 22-233 Term

~~All licenses issued under this article shall be valid for the calendar year of which they are issued for. There shall be no proration of any application fees under this article.~~

Section 22-234 Renewals

~~The renewal of a license issued under this article shall be handled in the same manner as the original application. The request for a renewal shall be made at least 45 days before the expiration of the current license. The issuance of a license issued under this article shall be considered a privilege and not an absolute right of the applicant, and shall not entitle the holder to an automatic renewal of the license.~~

Section 22-235 Transfers

~~All licenses issued under this article shall be valid only on the premises for which the license was issued and only for the person to whom the license was issued. No transfer of any license to another location or person shall be valid without the prior approval of the council.~~

Section 22-236 Revocation

~~Any licensee who violates this article, or commits an illegal act pursuant to this article, shall have their license revoked by the city.~~

Section 22-237 Instructional Program

~~No person shall be issued a license or renewal license to sell licensed products unless an applicant or licensee has a program for instructing all employees regarding the legal requirements pertaining to the sale of Intoxicating Hemp Products at the retail establishment for which the license was issued. The instructional program shall include, but is not limited to, reviewing the law on the sale~~

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~~of Intoxicating Hemp Products, requiring employees to request identification from every customer who is under 27 years of age, providing information that the sale of Intoxicating Hemp Products to anyone under 21 is illegal, explaining what kind of proof of age is legally acceptable, and that a sale to a person below the legal sales age can subject the applicant or licensee and its employees to criminal and/or civil liability.~~

Section 22-238 Display

~~All licenses shall be posted and displayed in plain view of the general public on the licensed premise.~~

Section 22-239 Signage.

~~Notice of the legal sales age and age verification requirements must be posted at each location where Intoxicating Hemp Products are offered for sale. The required signage, which shall be provided to the licensee by the city, must be posted in a manner that is clearly visible to anyone who is or is considering making a purchase.~~

Section 22-240 Age verification device and digital security video

~~All license holders shall be required to install or possess age verification devices and digital security video at the licensed location. The Police Department shall confirm that the devices have been installed prior to approval of the license.~~

Section 22-241 Responsibility**Section 22-226 Responsibility**

All ~~licensees and~~ registrants under this article shall be responsible for the actions of their employees in regard to the sale of Intoxicating Hemp Products ~~on the licensed premises~~, and the sale of such an item by an employee shall be considered a sale by the ~~license holder or~~ registrant. Nothing in this article shall be construed as prohibiting the city from also subjecting the ~~licensee or~~ registrant to whatever penalties are appropriate under this article, state or federal law, or other applicable law or regulation.

Section 22-242 Compliance Checks And Inspections**Section 22-227 Compliance Checks And Inspections**

All ~~licensed~~**On-Site Intoxicating Hemp Businesses and Intoxicating Hemp Product Businesses** premises shall be open to inspection by the city police or other authorized city official during regular business hours. From time to time, but at least once per year, the city shall conduct compliance checks by engaging individuals over the age of 17 years old but less than 21 years old, to enter the ~~licensed~~ premises to attempt to purchase Intoxicating Hemp Products. Prior written parental or guardian consent is required for any person under the age of 18 who participates in a compliance check. Individuals used for the purpose of compliance checks shall be supervised by city designated law enforcement officers or other designated city personnel. Individuals used for compliance checks shall not be guilty of unlawful possession of Intoxicating Hemp Products when such items are obtained as a part of the compliance check. No individual used in compliance checks shall attempt to use a false identification misrepresenting the individual's age, and all individuals lawfully engaged in a compliance check shall answer all questions about the individual's age asked by the ~~licensee, registrant,~~ or their employee, and shall produce any identification, if any exists, for which they are asked. Nothing in this article shall prohibit compliance checks authorized by state or federal laws for educational, research or training purposes, or required for the enforcement of a particular state or federal law.

Section 22-243 Prohibited Sales**Section 22-228 Prohibited Sales**

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It shall be a violation of this article for any person to sell or offer to sell any Intoxicating Hemp Product:

- (a) Not meeting the requirements or by the means authorized in Minnesota Statutes, section 151.72 including, but not limited to:
 - 1. Age Verification – Minn. Stat. § 151.72, subd. 5c.
 - 2. Packaging, Labeling, and THC Limits – Minn. Stat. § 151.72, subd. 5a.
 - 3. Secured Storage and Sales - Minn. Stat. § 151.72, subd. 5a (h).
 - 4. Testing Requirements – Minn. Stat. § 151.72, subd. 4.
 - 5. Labeling Requirements - Minn. Stat. § 151.72, subd. 5.
- (b) To any person under the age of 21 years.
- (c) By any person under the age of 21 years.
- (d) For a nominal amount or by means of sampling.
- (e) By internet sales or delivery, unless the business utilizes an independent third-party age verification system.
- (f) By any other means, to any other person, or in any other manner or form prohibited by federal, state or other local law, ordinance provision, or other regulation.

Section ~~22-244~~22-229 On-Site Intoxicating Hemp ~~Retailer~~Business Manufacturing

~~(a) An On-Site Intoxicating Hemp Product Retailer meeting the requirements of Minnesota Statutes, section 151.72, subd. 3 (f) may sell Intoxicating Hemp Products intended to be consumed as a beverage for on-site consumption.~~

(a) ~~(b)~~ On-Site Intoxicating Hemp Product ~~Retailers~~Businesses may manufacture Intoxicating Hemp Products intended to be consumed as a beverage as an accessory use only at breweries and distilleries licensed as such under Minnesota Statutes, Chapter 340A, as long as the manufacturing process for the beverages does not involve the cannabis plant. For purposes of this Section, accessory use is defined to mean not accounting for more than 50% of the production of total product produced at the brewery or distillery. The transporting or distribution of such Intoxicating Hemp Products manufactured as an accessory use at a brewery or distillery to locations outside of the City also is allowed as part of the accessory use.

(b) ~~(e)~~ Intoxicating Hemp Products manufactured as described in ~~22-244~~22-229 ~~(ba)~~ may not be sold at retail for off-sale consumption by an On-Site Intoxicating Hemp Product ~~Retailer~~Business.

Section 22-230 On-Site Intoxicating Hemp Business Registration Condition

An On-Site Intoxicating Hemp Business registration will terminate, with no further action of the City, if the registrant’s on-sale liquor license expires, terminates, or is otherwise not effective.

Section ~~22-245~~ Exceptions And Defenses

Section 22-231 Exceptions And Defenses

Nothing in this article shall prevent the providing of Intoxicating Hemp Products to an individual under the age of 21 as part of a lawfully recognized religious, spiritual or cultural ceremony. It shall be an affirmative defense to the violation of this article for a person to have reasonably relied on proof of age as described by state law.

Section ~~22-246~~22-232 Offenses Involving Individuals Under the Age of 21

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- (a) *Illegal sales.* It shall be a violation of this article for any person to sell or otherwise provide any Intoxicating Hemp Product to any individual under the age of 21.
- (b) *Illegal possession.* It shall be a violation of this article for any individual under the age of 21 to have in [his](#)[their](#) possession any Intoxicating Hemp Product. This subsection shall not apply to individual under the age of 21 lawfully involved in a compliance check.
- (c) *Illegal use.* It shall be a violation of this article for any individual under the age of 21 to use any Intoxicating Hemp Product.
- (d) *Illegal procurement.* It shall be a violation of this article for any individual under the age of 21 to purchase or attempt to purchase or otherwise obtain any Intoxicating Hemp Product, and it shall be a violation of this article for any person to purchase or otherwise obtain such items on behalf of an individual under the age of 21. It shall further be a violation for any person to coerce or attempt to coerce an individual under the age of 21 to illegally purchase or otherwise obtain or use any Intoxicating Hemp Product. This subsection shall not apply to individual under the age of 21 lawfully involved in a compliance check.
- (e) *Use of false identification.* It shall be a violation of this article for any individual under the age of 21 to attempt to disguise [his](#)[their](#) true age by the use of a false form of identification, whether the identification is that of another person or one on which the age of the person has been modified or tampered with to represent an age older than the actual age of the person.

Section 22-247 Violations**Section 22-233 Violations**

- (a) *Notice.* Upon discovery of a suspected violation, the alleged violator shall be issued, either personally or by mail, a citation that sets forth the alleged violation and which shall inform the alleged violator of [his](#)[their](#) right to be heard on the accusation.
- (b) *Hearings.* If a person accused of violating this article so requests, a hearing shall be scheduled, the time and place of which shall be published and provided to the accused violator.
- (c) *Hearing officer.* The hearing officer for any violations of this article shall be the city administrator or a person duly designated by the city administrator.
- (d) *Decision.* If the hearing officer determines that a violation of this article did occur, that decision, along with the hearing officer's reasons for finding a violation, and the penalty to be imposed for a violation of this article, shall be recorded in writing, a copy of which shall be provided to the accused violator. Likewise, if the hearing officer finds that no violation occurred or finds grounds for not imposing any penalty, such findings shall be recorded and a copy provided to the acquitted accused violator.
- (e) *Appeals.* Appeals of any decision made by the hearing officer shall be filed in the district court for the city.
- (f) *Misdemeanor prosecution.* Nothing in this article shall prohibit the city from seeking prosecution as a misdemeanor for any alleged violation of this article. If the city elects to seek misdemeanor prosecution, no administrative penalty shall be imposed.
- (g) *Continued violation.* Each violation and every day in which a violation occurs or continues shall constitute a separate offense.

Section 22-248 Penalties For Violation Of Article**Section 22-234 Penalties For Violation Of Article**

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- (a) ~~Licensees, registrants~~ Registrants and employees. Any ~~licensee or~~ registrant, and any employee of a ~~licensee or~~ registrant, found to have violated this article shall be charged an administrative fine of \$75.00 for a first violation of this article; \$200.00 for a second offense at the same ~~license~~ premises within a 24-month period; and \$250.00 for a third or subsequent offense at the same location within a 24-month period. In addition, after the third offense, the ~~license~~ shall be suspended for a period to be determined by council resolution. In addition to these administrative fines, the ~~license~~ may be suspended or the registration rescinded. Any expenses incurred by the city in appointing and conducting the hearing shall also be added to the administrative fine above stated.
- (b) *Other individuals*. Other individuals, other than minors regulated by this article, found to be in violation of this article by providing or selling to minors shall be charged an administrative fee of \$75.00.
- (c) *Possession Under 21*. Any individual under the age of 21 found in unlawful possession of, or who unlawfully purchases or attempts to purchase Intoxicating Hemp Product, shall be prosecuted as a misdemeanor.
- (d) *Misdemeanor*. Nothing in this article shall prohibit the city from seeking prosecution as a misdemeanor for any violation of this article.

SECTION 2. City Code of Ordinances, Chapter 86, Zoning, Article 86-50 Home Occupations and Businesses, is hereby amended by a new item to Section 86-50 (f) as follows:

All home occupations involving the following activities, even if formally compliant with subsection (b), are prohibited:

1. Any automotive related activity including, but not limited to, auto repair and detailing.
2. Any children related activity except those licensed by the State and individual lessons.
3. Any animal related activity including, but not limited to, kenneling and breeding, except household pet grooming.
4. Any funeral related activity including, but not limited to, mortuaries and embalming services.
5. Any activity involving commercial cooking, including, but not limited to, restaurants and cafes, except dessert making for private individual customers.
6. Any activity involving multiple garage sales.
7. Any illegal activity.
8. Any activity involving multiple guest assemblies except occasional home sale parties not scheduled on a regular basis.
9. Any activity involving tobacco or alcohol production or sale.
10. Any business licensed under Minnesota Statutes, Chapter 342 or for which a ~~license or~~ registration is required by City Code, § 22-222.

Error! Unknown document property name.

SECTION 3. City Code of Ordinances, Chapter 86, Zoning, Article 86-102 B-1 Limited Business District is hereby amended by adding a new permitted use as follows:

Businesses requiring a ~~license or~~ registration under City Code, § 22-222. Businesses, except On-Site Intoxicating Hemp Product ~~Retailers~~Businesses, must be located at least:

- (1) ~~1,000~~500 feet, when measured in a straight line from the center of the primary building in which the establishment is located to the property line of a school, as defined in Minnesota Statutes, section 120A.22, subd. 4, excluding a home school, ~~and to the property line of the property in which the registered establishment is located. The primary building of each school is established in a map that will be published by the City.~~
- ~~(2) 1,000 feet, when measured in a straight line from the building in which the establishment is located to the property line of a building which houses an early childhood education program established pursuant to Minnesota Statutes, section 124D.13; and~~
- ~~(3) 500 feet when measured in a straight line from the building in which the establishment is located to the property line of a child day care facility, excluding in-home day child day care providers; and~~
- ~~(4) 500 feet when measured in a straight line from the building in which the establishment is located to the property line of a park or recreational facility.~~

SECTION 4. City Code of Ordinances, Chapter 86, Zoning, Article 86-103 B-2 Central Business District is hereby amended by adding a new permitted use as follows:

Businesses requiring a ~~license or~~ registration under City Code, § 22-222. Businesses, except On-Site Intoxicating Hemp Product ~~Retailers~~Businesses, must be located at least:

- (1) ~~1,000~~500 feet, when measured in a straight line from the center of the primary building in which the establishment is located to the property line of a school, as defined in Minnesota Statutes, section 120A.22, subd. 4, excluding a home school, ~~and to the property line of the property in which the registered establishment is located. The primary building of each school is established in a map that will be published by the City.~~
- ~~(2) 1,000 feet, when measured in a straight line from the building in which the establishment is located to the property line of a building which houses an early childhood education program established pursuant to Minnesota Statutes, section 124D.13; and~~
- ~~(3) 500 feet when measured in a straight line from the building in which the establishment is located to the property line of a child day care facility, excluding in-home day child day care providers; and~~
- ~~(4) 500 feet when measured in a straight line from the building in which the establishment is located to the property line of a park or recreational facility.~~

SECTION 5. City Code of Ordinances, Chapter 86, Zoning, Article 86-104 B-3 General Business District is hereby amended by adding a new permitted use as follows:

Businesses requiring a ~~license or~~ registration under City Code, § 22-222. Businesses, except On-Site Intoxicating Hemp Product ~~Retailers~~Businesses, must be located at least:

Error! Unknown document property name.

- (1) ~~1,000~~500 feet, when measured in a straight line from the center of the primary building ~~in which the establishment is located to the property line~~ of a school, as defined in Minnesota Statutes, section 120A.22, subd. 4, excluding a home school, ~~and to the property line of the property in which the registered establishment is located. The primary building of each school is established in a map that will be published by the City.~~
- ~~(2) 1,000 feet, when measured in a straight line from the building in which the establishment is located to the property line of a building which houses an early childhood education program established pursuant to Minnesota Statutes, section 124D.13; and~~
- ~~(3) 500 feet when measured in a straight line from the building in which the establishment is located to the property line of a child day care facility, excluding in-home day child day care providers; and~~
- ~~(4) 500 feet when measured in a straight line from the building in which the establishment is located to the property line of a park or recreational facility.~~

SECTION 6. City Code of Ordinances, Chapter 86, Zoning, Article 86-105 B-4 Shopping Center Business District is hereby amended by adding a new permitted use as follows:

Businesses requiring a ~~license~~ or registration under City Code, § 22-222. Businesses, except On-Site Intoxicating Hemp Product ~~Retailers~~Businesses, must be located at least:

- (1) ~~1,000~~500 feet, when measured in a straight line from the center of the primary building ~~in which the establishment is located to the property line~~ of a school, as defined in Minnesota Statutes, section 120A.22, subd. 4, excluding a home school, ~~and to the property line of the property in which the registered establishment is located. The primary building of each school is established in a map that will be published by the City.~~
- ~~(2) 1,000 feet, when measured in a straight line from the building in which the establishment is located to the property line of a building which houses an early childhood education program established pursuant to Minnesota Statutes, section 124D.13; and~~
- ~~(3) 500 feet when measured in a straight line from the building in which the establishment is located to the property line of a child day care facility, excluding in-home day child day care providers; and~~
- ~~(4) 500 feet when measured in a straight line from the building in which the establishment is located to the property line of a park or recreational facility.~~

SECTION 7. SUMMARY PUBLICATION. Pursuant to Minn. Stat. § 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

The ordinance requires a license or registration for the sale of all intoxicating hemp products and establishes certain performance standards surrounding the sale of such products. Only 2 intoxicating hemp product retailers (stores with more than 10% of retail floor space or 10% of its gross revenue from such products), will be allowed in the City.

Error! Unknown document property name.

SECTION 8. INTERIM ORDINANCE TERMINATION. Upon the Effective Date of this Ordinance, _____ Interim Ordinance shall automatically terminate.

SECTION 9. EFFECTIVE DATE. This ordinance shall take effect following its passage and publication in accordance with state law.

Summary report:	
Litera Compare for Word 11.7.0.54 Document comparison done on 4/22/2024 8:58:49 AM	
Style name: Default Style	
Intelligent Table Comparison: Active	
Original DMS: dm://DOCSOPEN/939276/4	
Modified DMS: dm://DOCSOPEN/939276/9	
Changes:	
<u>Add</u>	105
Delete	195
Move From	0
<u>Move To</u>	0
<u>Table Insert</u>	0
Table Delete	0
<u>Table moves to</u>	0
Table moves from	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
Total Changes:	300

Presenter:	Steven Anderson
Meeting Date:	Tuesday, May 14, 2024
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Ch 74-261 Operation of Motorized Golf Cart, All-Terrain Vehicles, or Mini-Trucks
Background Information:	<p>The Legislative & Ordinance Committee on June 27, 2023 requested to discuss the possibility of adding Golf Carts as an allowable vehicle in Marshall and decided to bring the item to a Work Session for additional input from the full council. During the August 8, 2023 Work Session council directed staff to look at amendments to the ordinance and the application process with changes brought to L&O. Amendments were brought to the L&O Committee during a meeting on October 31, 2023 and after discussion the item was tabled.</p> <p>Golf Carts would be allowed to operate on the same roads as UTVs and would have the following restrictions:</p> <ul style="list-style-type: none"> • Seatbelts for all occupants • Headlights • Taillight • Turn signals • Driver side mirror and passenger mirror/rearview mirror • Slow moving emblem
Fiscal Impact:	
Alternative/ Variations:	
Recommendations:	Provide feedback and direction on the ordinance.

Population	City	Allows ATV/UTV	Allows Golf Cart	Notes
24,453	🏠 Faribault, Minnesota	No	Yes	Only allowed on certain roads
21,015	🏠 Willmar, Minnesota	No	No	No snowmobiles in city limits
16,168	🏠 Buffalo, Minnesota	No	No	
14,646	🏠 Robbinsdale, Minnesota	No	No	
14,599	🏠 Hutchinson, Minnesota	Yes	Yes	
14,455	🏠 Monticello, Minnesota	Yes	Yes	
14,395	🏠 Brainerd, Minnesota	No	No	
14,335	🏠 Alexandria, Minnesota	Not specified	Yes	Permit issued to specific drivers.
14,275	🏠 North Mankato, Minnesota	Yes	Yes	Only on roads 30mph or less.
14,120	🏠 New Ulm, Minnesota	Yes	Yes	Permit specific to driver, not vehicle. Occupants <18 DOT helmet
14,119	🏠 Fergus Falls, Minnesota	No	Yes	GC allowed on 8 Roads
13,947	🏠 Worthington, Minnesota	No	No	
13,862	🏠 Sauk Rapids, Minnesota	No	No	ATV in emergency only when travel by car impractical
13,628	🏠 Marshall, Minnesota	Yes	No	
13,295	🏠 Rogers, Minnesota	No	No	
13,249	🏠 Mounds View, Minnesota	No	No	GC only allowed on certain roads. ATV cannot be driven on roads from March 16 - Nov 14
13,033	🏠 Waconia, Minnesota	Yes	No	
12,568	🏠 Cloquet, Minnesota	Yes	Yes	
12,066	🏠 St. Peter, Minnesota	Yes	Yes	Occupants <18 DOT helmet. GC only by physical handicap
11,335	🏠 Lake Elmo, Minnesota	Yes	Yes	
11,126	🏠 Grand Rapids, Minnesota	Yes	Yes	
10,487	🏠 Fairmont, Minnesota	Yes	Yes	

**CITY OF MARSHALL
ORDINANCE GOLF**

**AN ORDINANCE AMENDING CHAPTER 74 ARTICLE VII SNOWMOBILES,
ALL-TERRAIN VEHICLES, AND MOTORIZED GOLF CARTS**

The Common Council of the City of Marshall do ordain as follows:

SECTION 1: AMENDMENT “Subdivision 74-VII-3-II Permit For Class 2 All-Terrain Vehicles And Utility Task Vehicles” of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

Subdivision 74-VII-3-II Permit For Motorized Golf Carts, Class 2 All-Terrain Vehicles And Utility Task Vehicles

SECTION 2: AMENDMENT “Section 74-261 Operation Of Motorized Golf Cart, All-Terrain Vehicles, Or Mini-Trucks” of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 74-261 Operation Of Motorized Golf Cart, All-Terrain Vehicles, Or Mini-Trucks

No person shall operate a ~~motorized golf cart~~, class 1 all-terrain vehicle, or mini-truck on streets, alleys, sidewalks or other public property within the city.

(Ord. No. 679 2nd series, § 1, 9-24-2013)

SECTION 3: AMENDMENT “Section 74-262 Required” of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 74-262 Required

- (a) No person shall operate a motorized golf cart, class 2 all-terrain vehicle or utility task vehicle on roadways, streets, or alleys, without obtaining a permit as provided herein.

- (b) Motorized golf carts, ~~E~~class 2 all-terrain vehicles and utility task vehicles MAY NOT be operated in the following areas of the city:
 - (1) Any area posted that motorized golf carts, ATV's or utility task vehicles are not allowed.
 - (2) On or along the Burlington Northern railroad right-of-way.
 - (3) On city sidewalks, bike or pedestrian trails (except bike paths designated on city streets).
 - (4) On publicly-owned land which include:
 - a. Schools
 - b. Parks
 - c. Playgrounds
 - ~~(5) or~~ Private property unless permission is posted.
 - (6) Within the boulevard of a city roadway.
- (c) Authorized city staff may operate city owned class 2 all-terrain vehicles and utility task vehicles without obtaining a permit within the city on city streets, sidewalks, trails, rights-of-way, and public property when conducting city business.
- (d) Authorized city staff and persons authorized by the director of public safety may operate a motorized golf cart, all-terrain vehicle, utility task vehicles or mini-truck on streets, alleys, sidewalks or other public property within the city for special celebrations and events sanctioned by the city.

(Ord. No. 679 2nd series, § 1, 9-24-2013)

SECTION 4: AMENDMENT “Section 74-263 Applications” of the Marshall Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Section 74-263 Applications

- (a) Every application for a permit shall be made on a form supplied by the city and shall contain all of the following information:
 - (1) The name and address of the applicant who shall have ownership interest of the motorized golf cart, class 2 all-terrain vehicle or the utility task vehicle.
 - (2) Model name, make, and year and number of the motorized golf cart, class 2 all-terrain vehicle or the utility task vehicle.
 - (3) Current driver's license for all individuals that are eligible to operate the vehicle.
 - (4) Other information as the city may require.
- (b) Business that sell motorized golf carts, class 2 all-terrain vehicles or utility task vehicles may apply for a dealer permit with the following requirements:
 - (1) The provision of subsection (a)(2) is excluded.
 - (2) The permitted business shall be responsible that each motorized golf cart, class

- 2 all-terrain vehicle or utility task vehicle operated in allowed areas meeting the provisions of sections 74-262 and 74-266.
- (3) The business shall post the city issued dealer permit as the city may require.

(Ord. No. 679 2nd series, § 1, 9-24-2013)

SECTION 5: AMENDMENT “Section 74-265 Period Of Validity” of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 74-265 Period Of Validity

- (a) Permits shall be granted by the director of public safety for a period of one-year and may be renewed annually January 1 to December 31.
- (b) No permit shall be granted or renewed unless the following conditions are met:
- (1) The applicant must provide evidence of insurance in compliance with the provisions of state statutes concerning insurance coverage for the motorized golf cart, class 2 all-terrain vehicle or utility task vehicle.
 - (2) The applicant has not had his or her driver's license revoked as the result of criminal proceedings.

(Ord. No. 679 2nd series, § 1, 9-24-2013)

SECTION 6: AMENDMENT “Section 74-268 Revocation” of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 74-268 Revocation

The city council may suspend or revoke a permit granted hereunder upon a finding that the holder thereof has violated any of the provisions of this chapter or Minn. Stat. ch. 169, as it may be amended from time to time, or if there is evidence that the permit holder cannot safely operate the motorized golf cart, class 2 all-terrain vehicle or utility task vehicle on designated roadways. Notice and hearing of suspension or revocation of the permit will follow the procedure outlined in city ordinance Chapter 2, Article-VII Administrative Citations.

(Ord. No. 679 2nd series, § 1, 9-24-2013)

SECTION 7: AMENDMENT “Section 74-266 Restrictions” of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 74-266 Restrictions

The following restrictions apply to the operation of permitted class 2 all-terrain vehicles or utility task vehicles:

- (a) A class 2 all-terrain vehicle or utility task vehicle may be operated under permit on designated roadways if it is equipped with all of the following:
 - (1) Rollover protection bar.
 - (2) Seatbelts for driver and all occupants pursuant to the design occupant load.
 - (3) At least two headlights.
 - (4) At least one tail light.
 - (5) Front and rear turn-signal lights.
 - (6) An exterior mirror mounted on the driver's side of the vehicle and either an exterior mirror mounted on the passenger's side of the vehicle or an interior mirror to provide the driver with adequate vision from behind as required by Minn. Stat. § 169.70.
 - (7) Permit display as may be required by the city upon approval.
- (b) Class 2 all-terrain vehicle or utility task vehicles are permitted to operate only on designated roadways, city streets or alleys - except as prohibited by section 74-262(b) (1)—(5) — but not state or federal highways, except to cross at designated intersections.
- (c) Class 2 all-terrain vehicles and utility task vehicles may only be operated on designated roadways from sunrise to sunset, unless equipped with original equipment headlights, tail lights, and rear facing brake lights. They shall not be operated in inclement weather conditions or at any time when there is insufficient light to clearly see persons and vehicles on the roadway at a distance of 500 feet. (Minn. Stat. § 169.045 subd. 3)
- (d) Every person operating a class 2 all-terrain vehicle or utility task vehicle under permit on designated roadways has all the rights and duties applicable to the driver of any other vehicle under the provisions of Minn. Stat. ch. 169, as it may be amended from time to time.
- (e) The number of occupants on the class 2 all-terrain vehicle or utility task vehicle may not exceed the design occupant load.
- (f) The drivers of the class 2 all-terrain vehicle or utility task vehicle must be approved in the application and shall be able to provide proof of authorization while operating the class 2 all-terrain vehicle or utility task vehicle as may be required by the city upon permit approval.

The following restrictions apply to the operation of permitted motorized golf carts:

- (a) A motorized golf cart may be operated under permit on designated roadways if it is equipped with all of the following:
 - (1) Seatbelts for the driver and all occupants pursuant to the designed occupant load.
 - (2) At least two (2) headlights.
 - (3) At least one tail light.
 - (4) Front and rear turn-signal lights.
 - (5) An exterior mirror mounted on the driver's side of the vehicle
 - (6) Either an exterior mirror mounted on the passenger side of the motorized golf cart or an interior mirror that provides the driver with adequate vision to see behind the motorized golf cart as required by Minn. Stat. § 169.70.
 - (7) Slow-moving vehicle emblem provided for in Minn. Stat. § 169.522.
 - (8) Permit display as may be required by the city upon approval.
- (b) Motorized golf carts are permitted to operate only on designated roadways, city streets or alleys - except as prohibited by section 74-262(b)(1) - (5), - but not state or federal highways, except to cross at designated intersections.
- (c) Motorized golf carts may operate on designated roadways between sunset and sunrise if the motorized golf cart is equipped with original equipment headlights, taillights, and rear-facing brake lights.
- (d) Motorized golf carts shall not be operated in inclement weather conditions or at any time when there is insufficient light to clearly see persons and vehicles on the roadway at a distance of 500 feet as provided under Minn. Stat. § 169.045 subd. 3.
- (e) Every person operating a motorized golf cart under permit on designated roadways has all the rights and duties applicable to the driver of any other vehicle under the provisions of Minn. Stat. Ch. 169, as it may be amended from time to time.
- (f) The number of occupants on the motorized golf cart may not exceed the designed occupant load.
- (g) The drivers of the motorized golf cart must be approved in the application and shall be able to provide proof of authorization while operating the motorized golf cart as may be required by the city upon permit approval.

(Ord. No. 679 2nd series, § 1, 9-24-2013)

SECTION 8: **EFFECTIVE DATE** This Ordinance shall be in full force and effect from _____ and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE CITY OF MARSHALL COMMON COUNCIL

Presiding Officer

Attest

Robert Byrnes, Mayor, City of
Marshall

Steven Anderson, City Clerk, City of
Marshall

169.522 SLOW-MOVING VEHICLE, SIGN REQUIRED.

Subdivision 1. **Displaying emblem; rules.** (a) All animal-drawn vehicles, motorized golf carts when operated on designated roadways pursuant to section 169.045, implements of husbandry, and other machinery, including all road construction machinery, which are designed for operation at a speed of 30 miles per hour or less, must display a triangular slow-moving vehicle emblem, except (1) when being used in actual construction and maintenance work and traveling within the limits of a construction area marked in accordance with the Manual on Uniform Traffic Control Devices, as set forth in section 169.06, or (2) for a towed implement of husbandry that is empty and that is not self-propelled, in which case it may be towed at lawful speeds greater than 30 miles per hour without removing the slow-moving vehicle emblem. The emblem must consist of a fluorescent or illuminated red-orange triangle with a dark red reflective border and be mounted so as to be visible from a distance of not less than 600 feet to the rear. When a primary power unit towing an implement of husbandry or other machinery displays a slow-moving vehicle emblem visible from a distance of 600 feet to the rear, it is not necessary to display a similar emblem on the secondary unit. All slow-moving vehicle emblems sold in this state must be so designed that when properly mounted they are visible from a distance of not less than 600 feet to the rear when directly in front of lawful lower beam of headlamps on a motor vehicle. The commissioner of public safety shall adopt standards and specifications for the design and position of mounting the slow-moving vehicle emblem. Such standards and specifications must be adopted by rule in accordance with the Administrative Procedure Act.

(b) An alternate slow-moving vehicle emblem consisting of a dull black triangle with a white reflective border may be used after obtaining a permit from the commissioner under rules of the commissioner. A person with a permit to use an alternate slow-moving vehicle emblem must:

(1) carry in the vehicle a regular slow-moving vehicle emblem and display the emblem when operating a vehicle between sunset and sunrise, and at any other time when visibility is impaired by weather, smoke, fog, or other conditions; and

(2) permanently affix to the rear of the slow-moving vehicle at least 72 square inches of reflective tape that reflects the color red.

Subd. 2. **Prohibition on use.** The use of this emblem is restricted to the slow-moving vehicles specified in subdivision 1 and its use on any other type of vehicle or stationary object on the highway is prohibited.

Subd. 3. **Display required.** No person shall sell, lease, rent, or operate any slow-moving vehicle, as defined in subdivision 1, except motorized golf carts and except those units designed to be completely mounted on a primary power unit, which is manufactured or assembled on or after July 1, 1967, unless the vehicle is equipped with a slow-moving vehicle emblem-mounting device as specified in subdivision 1. Provided however, a slow-moving vehicle must not be operated without such slow-moving vehicle emblem.

History: 1967 c 309 s 1; 1971 c 491 s 16; 1974 c 57 s 1; 1982 c 549 s 3; 1985 c 248 s 70; 1987 c 101 s 1; 1993 c 187 s 6; 1994 c 600 s 3; 1997 c 143 s 14; 1Sp2005 c 6 art 3 s 48

169.045 SPECIAL VEHICLE USE ON ROADWAY.

Subdivision 1. **Designation of roadway, permit.** The governing body of any county, home rule charter or statutory city, or town may by ordinance authorize the operation of motorized golf carts, all-terrain vehicles, utility task vehicles, or mini trucks, on designated roadways or portions thereof under its jurisdiction. Authorization to operate a motorized golf cart, all-terrain vehicle, utility task vehicle, or mini truck is by permit only. For purposes of this section:

- (1) an all-terrain vehicle has the meaning given in section 84.92;
- (2) a mini truck has the meaning given in section 169.011, subdivision 40a; and

(3) a utility task vehicle means a side-by-side, four-wheel drive, off-road vehicle that has four wheels, is propelled by an internal combustion engine with a piston displacement capacity of 1,200 cubic centimeters or less, and has a total dry weight of 1,800 but less than 2,600 pounds.

Subd. 2. **Ordinance.** The ordinance shall designate the roadways, prescribe the form of the application for the permit, require evidence of insurance complying with the provisions of section 65B.48, subdivision 5 and may prescribe conditions, not inconsistent with the provisions of this section, under which a permit may be granted. Permits may be granted for a period not to exceed three years, and may be renewed. A permit may be revoked at any time if there is evidence that the permittee cannot safely operate the motorized golf cart, all-terrain vehicle, utility task vehicle, or mini truck on the designated roadways. The ordinance may require, as a condition to obtaining a permit, that the applicant submit a certificate signed by a physician that the applicant is able to safely operate a motorized golf cart, all-terrain vehicle, utility task vehicle, or mini truck on the roadways designated.

Subd. 3. **Times of operation.** Motorized golf carts, all-terrain vehicles, and utility task vehicles may only be operated on designated roadways from sunrise to sunset, unless equipped with original equipment headlights, taillights, and rear-facing brake lights. They shall not be operated in inclement weather, except during emergency conditions as provided in the ordinance, or when visibility is impaired by weather, smoke, fog or other conditions, or at any time when there is insufficient visibility to clearly see persons and vehicles on the roadway at a distance of 500 feet.

Subd. 4. **Slow-moving vehicle emblem.** Motorized golf carts shall display the slow-moving vehicle emblem provided for in section 169.522, when operated on designated roadways.

Subd. 5. **Crossing intersecting highways.** The operator, under permit, of a motorized golf cart, all-terrain vehicle, utility task vehicle, or mini truck may cross any street or highway intersecting a designated roadway.

Subd. 6. **Application of traffic laws.** Every person operating a motorized golf cart, all-terrain vehicle, utility task vehicle, or mini truck under permit on designated roadways has all the rights and duties applicable to the driver of any other vehicle under the provisions of this chapter, except when those provisions cannot reasonably be applied to motorized golf carts, all-terrain vehicles, utility task vehicles, or mini trucks and except as otherwise specifically provided in subdivision 7.

Subd. 7. **Nonapplication of certain laws.** The provisions of chapter 171 are applicable to persons operating mini trucks, but are not applicable to persons operating motorized golf carts, utility task vehicles, or all-terrain vehicles under permit on designated roadways pursuant to this section. Except for the requirements of section 169.70, the provisions of this chapter relating to equipment on vehicles are not applicable to motorized golf carts, utility task vehicles, or all-terrain vehicles operating, under permit, on designated roadways.

Subd. 7a. **Required equipment on mini trucks.** Notwithstanding sections 169.48 to 169.68, or any other law, a mini truck may be operated under permit on designated roadways if it is equipped with:

- (1) at least two headlamps;
- (2) at least two taillamps;
- (3) front and rear turn-signal lamps;
- (4) an exterior mirror mounted on the driver's side of the vehicle and either (i) an exterior mirror mounted on the passenger's side of the vehicle or (ii) an interior mirror;
- (5) a windshield;
- (6) a seat belt for the driver and front passenger; and
- (7) a parking brake.

Subd. 8. **Insurance.** In the event persons operating a motorized golf cart, utility task vehicle, all-terrain vehicle, or mini truck under this section cannot obtain liability insurance in the private market, that person may purchase automobile insurance, including no-fault coverage, from the Minnesota Automobile Insurance Plan under sections 65B.01 to 65B.12, at a rate to be determined by the commissioner of commerce.

History: 1982 c 549 s 2; 1986 c 452 s 19; 1Sp1986 c 3 art 2 s 12; 1987 c 337 s 121,122; 1997 c 159 art 2 s 18; 2009 c 158 s 3,10; 2011 c 107 s 89-95; 2012 c 287 art 3 s 56; 2014 c 255 s 20



**CITY OF MARSHALL
AGENDA ITEM REPORT
L&O 5/14/24**

Presenter:	Ilya Gutman
Meeting Date:	Tuesday, May 14, 2024
Category:	INFORMATION ONLY
Type:	INFO
Subject:	Zoning Ordinance application beyond city limits
Background Information:	<p>There are several Orderly Annexation areas around the City of Marshall where the City has a legal authority to enforce its zoning ordinance based on the Statutes and agreements with townships around. Additionally, Statute 462.357 Subdivision 1 seems to give the City additional authority to enforce Zoning Ordinance within two miles of the city limits, but this should be verified. The intent of the Statutes is to allow cities to control surrounding areas for future growth to prevent multiple non-conforming uses within city limits when areas are annexed and also to generally follow their comprehensive plans. This expansion of city power beyond its borders applies to Zoning regulations only, not Building Code or any other City ordinance.</p> <p>Historically, the City never used this authority in the past. Enforcing zoning ordinance within two miles requires a special Council resolution on one hand, and cooperation from the County, on the other hand. But even applying zoning requirements to orderly annexation areas would be relatively complicated and require County’s help. As a result, development right outside of city limits has not been in line with the City Comprehensive Plan and chaotic in nature. In fact, the only location outside of the City limits that has been rezoned from Agricultural (a district assigned to all orderly annexation areas and all newly annexed areas) is a small area located north of Diversion Channel and west of Highway 68 North.</p> <p>There has been a new urgency lately to consider expanding zoning ordinance regulations outside of the city limits: Wind towers. They have been built everywhere lately but they can also be a source of reduced quality of life for people living around them due to noise, appearance, bird deaths, and potentially other problems. The City may be interested in keeping them away from the City and its vicinities. Combined with adding commercial wind towers to prohibited uses in Section 86-31, this expansion of Zoning regulations beyond City limits may be a change to be considered by the L&O to start the process.</p>
Fiscal Impact:	N/A
Alternative/ Variations:	None
Recommendations:	Discussion only

Section 86-31 Prohibited Uses

- a) *Intent and purpose.* It is recognized there are some uses which, because of their very nature, have serious objectionable characteristics and are not compatible with the comprehensive plan, adjacent uses, or appropriate for location within the city. Special regulation of some uses is necessary to ensure that these adverse effects will not contribute to blight or downgrading of the value of surrounding properties, and to protect the health, welfare and safety of the public in general.
- b) *Prohibited uses.*
- 1) Commercial wind towers~~Reserved~~.
 - 2) Open or subsurface mining ~~and processing~~ of earth, minerals, sand, gravel, stone or other raw materials.
 - 3) Incinerators for refuse disposal or refuse derived fuel generators for energy conversion systems.
 - 4) Explosives or fireworks manufacturing.
 - 5) Sanitary landfill operations for disposal of refuse.
 - 6) Free standing commercial furnaces.

2023 Minnesota Statutes

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This section has been affected by law enacted during the 2024 Regular Session. [More info...](#)

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462.357 OFFICIAL CONTROLS: ZONING ORDINANCE.

Subdivision 1. **Authority for zoning.** For the purpose of promoting the public health, safety, morals, and general welfare, a municipality may by ordinance regulate on the earth's surface, in the air space above the surface, and in subsurface areas, the location, height, width, bulk, type of foundation, number of stories, size of buildings and other structures, the percentage of lot which may be occupied, the size of yards and other open spaces, the density and distribution of population, the uses of buildings and structures for trade, industry, residence, recreation, public activities, or other purposes, and the uses of land for trade, industry, residence, recreation, agriculture, forestry, soil conservation, water supply conservation, conservation of shorelands, as defined in sections [103F.201](#) to [103F.221](#), access to direct sunlight for solar energy systems as defined in section [216C.06](#), flood control or other purposes, and may establish standards and procedures regulating such uses. To accomplish these purposes, official controls may include provision for purchase of development rights by the governing body in the form of conservation easements under chapter 84C in areas where the governing body considers preservation desirable and the transfer of development rights from those areas to areas the governing body considers more appropriate for development. No regulation may prohibit earth sheltered construction as defined in section [216C.06, subdivision 14](#), relocated residential buildings, manufactured homes built in conformance with sections [327.31](#) to [327.35](#), or industrialized or modular buildings for residential use built in conformance with Minnesota Rules, chapter 1361, that comply with all other zoning ordinances promulgated pursuant to this section. The regulations may divide the surface, above surface, and subsurface areas of the municipality into districts or zones of suitable numbers, shape, and area. The regulations shall be uniform for each class or kind of buildings, structures, or land and for each class or kind of use throughout such district, but the regulations in one district may differ from those in other districts. The ordinance embodying these regulations shall be known as the zoning ordinance and shall consist of text and maps. A city may by ordinance extend the application of its zoning regulations to unincorporated territory located within two miles of its limits in any direction, but not in a county or town which has adopted zoning regulations; provided that where two or more noncontiguous municipalities have boundaries less than four miles apart, each is authorized to control the zoning of land on its side of a line equidistant between the two noncontiguous municipalities unless a town or county in the affected area has adopted zoning regulations. Any city may thereafter enforce such regulations in the area to the same extent as if such property were situated within its corporate limits, until the county or town board adopts a comprehensive zoning regulation which includes the area.

Subd. 1a. **Certain zoning ordinances.** A municipality must not enact, amend, or enforce a zoning ordinance that has the effect of altering the existing density, lot-size requirements, or manufactured home setback requirements in any manufactured home park constructed before January 1, 1995, if the manufactured home park, when constructed, complied with the then existing density, lot-size and setback requirements.

Subd. 1b. **Conditional uses.** A manufactured home park, as defined in section [327.14, subdivision 3](#), is a conditional use in a zoning district that allows the construction or placement of a building used or intended to be used by two or more families.

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.

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 \(i\) to \(ix\)](#), without payment of compensation.

Subd. 1e. **Nonconformities.** (a) Except as otherwise provided by law, any nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an additional control under this chapter, may be continued,

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462.3535 COMMUNITY-BASED PLANNING.


Subdivision 1. **General.** Each municipality is encouraged to prepare and implement a community-based comprehensive municipal plan.

Subd. 2. **Coordination.** A municipality that prepares a community-based comprehensive municipal plan shall coordinate its plan with the plans, if any, of the county and the municipality's neighbors both in order to prevent the plan from having an adverse impact on other jurisdictions and to complement the plans of other jurisdictions. The municipality shall prepare its plan to be incorporated into the county's community-based comprehensive plan, if the county is preparing or has prepared one, and shall otherwise assist and cooperate with the county in its community-based planning.

Subd. 3. **Joint planning.** Under the joint exercise of powers provisions in section [471.59](#), a municipality may establish a joint planning district with other municipalities or counties that are geographically contiguous, to adopt a single community-based comprehensive plan for the district. A municipality may delegate its authority to adopt official controls under sections [462.351](#) to [462.364](#), to the board of the joint planning district.

Subd. 4. **Cities; urban growth areas.** (a) The community-based comprehensive municipal plan for a statutory or home rule charter city, and official controls to implement the plan, must at a minimum, address any urban growth area identified in a county plan and may establish an urban growth area for the urbanized and urbanizing area. The city plan must establish a staged process for boundary adjustment to include the urbanized or urbanizing area within corporate limits as the urban growth area is developed and provided municipal services.

(b) Within the urban growth area, the plan must provide for the staged provision of urban services, including, but not limited to, water, wastewater collection and treatment, and transportation.

 Subd. 5. **Urban growth area boundary adjustment process.** (a) After an urban growth area has been identified in a county or city plan, a city shall negotiate, as part of the comprehensive planning process and in coordination with the county, an orderly annexation agreement with the townships containing the affected unincorporated areas located within the identified urban growth area. The agreement shall contain a boundary adjustment staging plan that establishes a sequencing plan over the subsequent 20-year period for the orderly growth of the city based on its reasonably anticipated development pattern and ability to extend municipal services into designated unincorporated areas located within the identified urban growth area. The city shall include the staging plan agreed upon in the orderly annexation agreement in its comprehensive plan. Upon agreement by the city and town, prior adopted orderly annexation agreements may be included as part of the boundary adjustment plan and comprehensive plan without regard to whether the prior adopted agreement is consistent with this section. When either the city or town requests that an existing orderly annexation agreement affecting unincorporated areas located within an identified or proposed urban growth area be renegotiated, the renegotiated plan shall be consistent with this section.

(b) After a city's community-based comprehensive plan is approved under this section, the orderly annexation agreement shall be filed with the chief administrative law judge of the state Office of Administrative Hearings or any successor agency. Thereafter, the city may orderly annex the part or parts of the designated unincorporated area according to the sequencing plan and conditions contained in the negotiated orderly annexation agreement by submitting a resolution to the chief administrative law judge. The resolution shall specify the legal description of the area designated pursuant to the staging plan contained in the agreement, a map showing the new boundary and its relation to the existing city boundary, a description of and schedule for extending municipal services to the area, and a determination that all applicable conditions in the agreement have been satisfied. Within 30 days of receipt of the resolution, the chief administrative law judge shall review the resolution and if it finds that the terms and conditions of the orderly annexation agreement have been met, shall order the annexation. The boundary adjustment shall become effective upon issuance of an order by the chief administrative law judge. The chief administrative law judge shall cause copies of the boundary

adjustment order to be mailed to the secretary of state, Department of Revenue, state demographer, and Department of Transportation. No further proceedings under chapter 414 or 572A shall be required to accomplish the boundary adjustment. This section provides the sole method for annexing unincorporated land within an urban growth area, unless the parties agree otherwise.

(c) If a community-based comprehensive plan is updated, the parties shall renegotiate the orderly annexation agreement as needed to incorporate the adjustments and shall refile the agreement with the chief administrative law judge.

Subd. 6. Review by adjacent municipalities; conflict resolution. Before a community-based comprehensive municipal plan is incorporated into the county's plan under section [394.232, subdivision 3](#), a municipality's community-based comprehensive municipal plan must be coordinated with adjacent municipalities within the county. As soon as practical after the development of a community-based comprehensive municipal plan, the municipality shall provide a copy of the draft plan to adjacent municipalities within the county for review and comment. An adjacent municipality has 30 days after receipt to review the plan and submit written comments.

Subd. 7. County review. (a) If a city does not plan for growth beyond its current boundaries, the city shall submit its community-based comprehensive municipal plan to the county for review and comment. A county has 60 days after receipt to review the plan and submit written comments to the city. The city may amend its plan based upon the county's comments.

(b) If a town prepares a community-based comprehensive plan, it shall submit the plan to the county for review and comment. As provided in section [394.33](#), the town plan may not be inconsistent with or less restrictive than the county plan. A county has 60 days after receipt to review the plan and submit written comments to the town. The town may amend its plan based on the county's comment.

Subd. 8. County approval. (a) If a city plans for growth beyond its current boundaries, the city's proposed community-based comprehensive municipal plan and proposed urban growth area must be reviewed and approved by the county before the plan is incorporated into the county's plan. The county may review and provide comments on any orderly annexation agreement during the same period of review of a comprehensive plan.

(b) Upon receipt by the county of a community-based comprehensive plan submitted by a city for review and approval under this subdivision, the county shall, within 60 days of receipt of a city plan, review and approve the plan in accordance with this subdivision.

(c) In the event the county does not approve the plan, the county shall submit its comments to the city within 60 days. The city may, thereafter, amend the plan and resubmit the plan to the county. The county shall have an additional 60 days to review and approve a resubmitted plan. In the event the county and city are unable to come to agreement, either party may initiate the dispute resolution process contained in chapter 572A. Within 30 days of receiving notice that the other party has initiated dispute resolution, the city or county shall send notice of its intent to enter dispute resolution. If the city refuses to enter the dispute resolution process, it must refund any grant received from the county for community-based planning activities.

Subd. 9. [Repealed, [2011 c 76 art 4 s 8](#)]

Subd. 10. [Repealed, [2011 c 76 art 4 s 8](#)]

History: [1997 c 202 art 4 s 10](#); [2008 c 196 art 2 s 9](#); [2011 c 76 art 4 s 2,3](#)

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