



CITY OF MARSHALL
Legislative & Ordinance Committee
A g e n d a
Tuesday, October 31, 2023 at 12:45 PM
344 W. Main St., City Hall

APPROVAL OF AGENDA

APPROVAL OF MINUTES

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

OLD BUSINESS

- [2.](#) Public Use of Cannabinoid Products; and/or Prohibition on Smoking in City Parks

NEW BUSINESS

- [3.](#) Ch 74 Traffic and Vehicles Section 261 Operation of Motorized Golf Cart, All-Terrain Vehicles, or Mini-Trucks
4. Business Use in Limited Industrial Districts

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, October 31, 2023
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
Monday, September 19, 2023

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

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

Consider Approval of the Minutes

There were no changes to the minutes from August 08, 2023.

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

86-247 Landscaping, 86-1 Definitions

During the 2023 Legislative session new law was passed that prevents cities from disallowing pollinator gardens other than adding some restrictions on size and placement. Gutman explained that changes were made to the original ordinance to be in line with the new law and wishes from the committee members. Changes included allowing vegetable, flower, and pollinator gardens in front yards with no limitation on size; vegetable gardens on vacant lots may be permitted only by an interim use permit, and a setback is required from shared property lines with adjacent neighbors. Member Lozinski questioned the distance on the setback requirement. Members discussed how the grasses and plants may creep onto a neighbor's property. Members consented to have a 5-foot setback on lot lines. Questions arose on the sign requirement and was decided to remove the language on having a sign in conjunction with a pollinator garden. Vegetable garden language was discussed and was also decided to be removed. The wording under section (5) "and shall have a clearly delineated physical border or edging" was discussed and decided that it would place undue cost on the homeowner and is to be stricken. Members would like to include language that nothing can be grown in the right of way and to remove the height requirement of 15 inches under the Pollinator Garden or natural landscapes definition.

Motion made by Moua-Leske, seconded by Meister to take the amendments suggested to full council. All voted in favor.

86-248 Outside Storage: Shipping Containers

Anderson and Gutman explained that Public Works had drawn a lot of ire from local businesses and the few allowed interim use permits are still not in compliance. After discussion by council during the August 22nd meeting consensus was to relax the ordinance a little bit and allow businesses to paint their storage container to match the main building and not have to be screened but only for one storage container. Three shipping containers would still be allowed if screened. Moua-Leske indicated that she was in favor of keeping approval through the interim use permit process for painting and fencing.

Motion made by Meister, seconded by Moua-Leske to bring the amendments to full council. All voted in favor.

66-33 Process, 66-55 Procedures, and 86-30 Amendments

Gutman informed members that the changes being made were to make the process more uniform. Re-zoning, variances and conditional use permits went to the Planning Commission for public hearings, but plats and zoning ordinance language changes had public hearings go to city council and this caused confusion for many parties involved. The proposed changes will move the platting and zoning language amendments to the Planning Commission to hold the public hearings. Any ordinance changes that require an introduction and adoption will still go to city council as it does now, but the second meeting will not be a public hearing. Members asked for additional clarification on the process of platting and agreed that uniformity in the ordinance would be welcome.

Motion made by Meister, seconded by Moua-Leske to recommend the changes to council. All voted in favor.

At 1:33 PM Motion by Moua-Leske, seconded by 2 to adjourn the meeting. All voted in favor.

Respectfully Submitted,

Steven Anderson
City Clerk

CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Pamela Whitmore
Meeting Date:	Tuesday, October 31, 2023
Category:	OLD BUSINESS
Type:	ACTION
Subject:	Public Use of Cannabinoid Products; and/or Prohibition on Smoking in City Parks
Background Information:	<p>At the August Legislative & Ordinance Committee meeting (“L&O”), the Committee discussed the use of Cannabinoid Products in public spaces in the City of Marshall. The City Attorney provided a general overview of the various “categories” of regulations which have arisen from the passage of HF100 in the 2023 legislative session. As a reminder, that is the Bill which legalized Cannabis Products and set up a state licensing system for all Cannabinoid Product businesses. The main categories of regulations for cities to discuss as a result of this Bill include:</p> <ol style="list-style-type: none"> 1. Use in public of cannabinoid products; 2. City registration of cannabinoid product businesses, including the appetite of the city to limit the number of retail licensed cannabinoid product businesses; 3. Additional zoning considerations, such as location of cannabinoid product businesses and hours of operation; and 4. Impact on city employment policies. <p>With respect to #4, the city attorney and the L&O Committee did not spend time on this item as the City works with a separate employment attorney who, assumedly, is addressing this matter.</p> <p>With respect to items #1-#3, the City Attorney provided a general overview to the L&O Committee about the types of products generally, the new law and the transition from the pre-existing state law regarding legal edible cannabinoids to the more extensive new law now also legalizing Cannabis Products. The group determined that items #2 and #3 listed above would be more appropriate for a later conversation after the Office of Cannabis Management provides additional information regarding its model ordinance, clarifications on the law and guidance related to reasonable zoning.</p> <p>The L&O Committee then had a robust discussion about #1 – use in public spaces. The Committee primarily focused on use in parks. All committee members seemed to share similar concerns about smoking in general of tobacco products, in addition to Cannabinoid products. The L&O Committee and staff also discussed how enforcement could be challenging for products consumed in an edible fashion, with the Committee hearing from Public Safety how officers would still appreciate having an ordinance regulating these products even though enforcement may pose some challenges. The L&O Committee expanded its discussion to general use of products outside of parks, such as on sidewalks or at other public spaces. The general consensus was to align regulation of use of cannabinoid products outside of parks in the same or similar manner as the City regulates use of beer or liquor in public places.</p> <p>NOTE: After drafting the ordinances attached, the Lyon County Board of Commissioners held a public hearing on the proposed cannabis ordinance restricting use of cannabis in public places on September 5, 2023. After hearing public comment, Commissioner Andries moved and Commissioner Draper seconded a motion to adopt Ordinance No. 24. The motion was duly adopted on a unanimous roll call vote. The Lyon County Ordinance prohibits the following:</p>

	<p>1. No person shall use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public place or a place of public accommodation unless the premises is an establishment or event licensed to permit on-site consumption of adult-use cannabis flower and adult use cannabis products.</p> <p>2. No person shall vaporize or smoke cannabis flower, cannabis products, artificially derived cannabinoids, or hemp-derived consumer products in any location where the smoke, aerosol, or vapor would be inhaled by a minor.</p> <p>I have attached the ordinance in full so that the Committee can see how public place and place of public accommodation are defined. I talked to County Attorney, Abby Wikelius and the County is taking the position that under Minn. Stat. 145A.05, the County has preemptive right to regulate public use of cannabinoid products. Section 145A.05 has been interpreted by the state to permit “[a] county board to adopt various ordinances public health and the Department of Health takes the positions that cities and towns may adopt ordinances relating to public health, but they must not conflict with or be less restrictive than those adopted by the county board”. I confirmed with Abby that Lyon County agreed with that position, and she replied the County did. In fact, Abby’s email to me stated that “[t]he Lyon County Sheriff’s Office intends to enforce the county ordinance within the entirety of its jurisdiction including within city limits consistent with the 145A.05.”</p> <p>As a result, as we discuss the attached for the L&O Committee’s consideration, the committee may want to keep Lyon County’s position in mind.</p> <p>I look forward to the discussion and attached for the Committee’s review are the following:</p> <p>1. A new ordinance amending the City Code of Ordinances, Chapter 46, Parks and Recreation, Article 4-II Public Conduct, to add a new Section 46-29 which prohibits the (OPTION FOR COMMITTEE) the use of or the smoking or vaping of tobacco products, cannabinoid products and hemp products in city parks. The City Attorney drafted the ordinance in a way to facilitate additional discussion and decisions for council recommendation with alternatives included in the draft. If questions arise before the meeting regarding the options in the draft or how the document is drafted, please reach out to the City Attorney.</p> <p>2. An amendment to existing Section 10-22, Requirements For Owner, Operator Or Manager Of Public Dancing Place, to accommodate for cannabinoid products.</p> <p>3. An amendment to existing Section 42-112, Consumption Of Beer Or Liquor On Streets And Public Property to include Cannabinoid Products (or, as another option, just Cannabis Products). This amendment is drafted to provide the L&O Committee with options to discuss for its recommendation to council. As stated above, if questions arise before the meeting regarding the options in the draft or how the document is drafted, please reach out to the City Attorney.</p>
Fiscal Impact:	None
Alternative/ Variations:	See attached.
Recommendations:	The L&O Committee have additional discussions based on the drafts of the attached ordinances to provide staff and the City Attorney further direction for recommendations to Council.

ORDINANCE NO. _____

CITY OF MARSHALL
STATE OF MINNESOTA

AN ORDINANCE PROHIBITING THE (USE OF) OR (SMOKING OR VAPING OF)
TOBACCO PRODUCTS, CANNABINOID PRODUCTS AND HEMP PRODUCTS IN
CITY PARKS

The Common Council of the City of Marshall do ordain:

SECTION 1. City Code of Ordinances, Chapter 46, Parks and Recreation, Article 4-II Public Conduct, is hereby amended by adding Section 46-29 in its entirety as follows:

Section 46-29: (SMOKING) or (USE) of CANNABINOID PRODUCTS OR TOBACCO PRODUCTS IN CITY PARKS

(A) Definitions.

- (1) For purposes of this section, the terms “cannabis flower,” “cannabis products,” “cannabinoid products”, “lower-potency hemp edibles,” and “hemp-derived consumer products” shall have the definitions given to them in Minnesota Statutes, section 342.01, as it may be amended from time to time.
- (2) For purposes of this section and as defined in Section 342.01 of Minnesota Statutes, "Cannabinoid product" means a cannabis product, a hemp-derived consumer product, or a lower-potency hemp edible.
- (3) For purposes of this section, the term "smoking" means inhaling, exhaling, burning, vaping or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated product containing, made, or derived from nicotine, tobacco, marijuana, cannabis plant, hemp plant, cannabinoid product or other plant, whether natural or synthetic, that is intended for inhalation. Smoking includes carrying or using an activated electronic delivery device.
- (4) For purposes of this section, the term “tobacco products” means any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product, including, but not limited to cigarettes; cigars; cheroots; stogies; perique’s; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine-cut and other chewing tobacco; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco, and other kinds and forms of tobacco. Tobacco products includes nicotine solution products.
- (5) For purposes of this section. THE FOLLOWING ARE SOME OPTIONS:

- City Parks means all City Parks, including trails and sidewalks in and through the City Park, and parking lots adjacent to City Parks and inside all motor vehicles located or parked in a City Park or parking lot adjacent to a City Park.

OR

- City Parks means at or within 50 feet of any city-maintained playground, other outdoor facility used for sports or athletics, park shelter, pool, or public restroom; any city park property, including trails and sidewalks located within a park property and parking lots adjacent to City Parks and inside all motor vehicles located or parked in a City Park or parking lot adjacent to a City Park

(B) Prohibition. No person shall (smoke or vape) or (use) cannabinoid products or tobacco products in a city park.

(C) Exceptions.

(1) Pursuant to Minnesota Statutes, section 152.0263, subd. 5, this prohibition does not apply to a city sanctioned event or private permitted event held in a City Park and licensed by the Office of Cannabis Management to permit on-site consumption of cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products.

(2) This Ordinance does not prohibit smoking by a Native American as part of a traditional Native American spiritual or cultural ceremony. For purposes of this section, a Native American is a person who is a member of an Indian tribe as defined in section 260.755, subdivision 12 of the Minnesota Statutes.

(D) A violation of this section shall be a petty misdemeanor and is punishable in accordance with Section 1-8 of Chapter 1 of this Code, including, but not limited to a fine in the amount set forth in the City's fee schedule.

SECTION 2. EFFECTIVE DATE. This ordinance shall become effective on the first day of publication after adoption.

Passed this ____ day of _____, 2023.

Robert Byrnes, Mayor

ATTEST

Steven Anderson, City Clerk

ORDINANCE NO. _____

CITY OF MARSHALL
STATE OF MINNESOTA

AN ORDINANCE AMENDING CHAPTER 10, AMUSEMENT AND
ENTERTAINMENT, ARTICLE 10-II, PUBLIC DANCES, SECTION 10-22
REQUIREMENTS FOR OWNER, OPERATOR, OR MANAGER OF PUBLIC DANCE
PLACE

The Common Council of the City of Marshall do ordain:

SECTION 1. City Code of Ordinances, Chapter 10, Amusement and Entertainment, Article 10-II Public Dances, Section 10-22 Requirements For Owner, Operator Or Manager Of Public Dancing Place, is hereby amended to read as follows:

Section 10-22 Requirements For Owner, Operator Or Manager Of Public Dancing Place

1. When a public dance is taking place at a public dancing place, the owner, operator and manager of a public dancing place shall:
 1. Have employed a security person that has been approved by the city police department.
 2. Maintain the public dancing place free of fighting and other tumultuous conduct.
 3. Take positive steps to prohibit persons from entering the premises that are unauthorized to enter the premises by state statutes if intoxicating liquor or cannabinoid products are ~~is~~ sold on such premises.
2. The police department shall have the authority to immediately stop all public dancing at a public dancing place that does not meet the requirements of subsection (a) of this section.

ORDINANCE NO. _____

CITY OF MARSHALL
STATE OF MINNESOTA

AN ORDINANCE AMENDING CHAPTER 42, OFFENSES AND MISCELLANEOUS
PROVISIONS, ARTICLE 42-V, OFFENSES INVOLVING PUBLIC MORALS,
SECTION 42-112 CONSUMPTION OF BEER OR LIQUOR ON STREETS AND
PUBLIC PROPERTY

The Common Council of the City of Marshall do ordain:

SECTION 1. City Code of Ordinances, Chapter 42 Offenses and Miscellaneous Provisions, Article 42-V, Offenses involving Public Morals, Section 42-112 Consumption Of Beer Or Liquor On Streets And Public Property is hereby amended to read as follows:

Section 42-112 Consumption Of Beer, ~~Or~~ Liquor, or Cannabinoid Products (OR Cannabis Products) On Streets And Public Property

(A) Definitions.

(1) For purposes of this section, the terms “cannabis flower,” “cannabis products,” “cannabinoid products,” “lower-potency hemp edibles,” and “hemp-derived consumer products” shall have the definitions given to them in Minnesota Statutes, section 342.01, as it may be amended from time to time.

(2) For purposes of this section, public property is defined as **OPTIONS:**

• any indoor or outdoor property owned, leased, managed, or controlled by a governmental unit, including the City, and includes streets, ROWs, alleys, sidewalks, trails, parks, parking lots, buildings, and City vehicles.

• property, real and personal, that is owned, managed or controlled by the City, including, but not limited to: City buildings and all the land thereon, parking lots, parks, golf course, pathways and trails, and city rights-of-way consisting of both the traveled portion and the abutting boulevard, sidewalks and trails, and any City personal property, such as motor vehicles, city equipment, and the like. OR

• any and every place in the City excluding the following: private residences, including a person’s curtilage or yard; private property not generally accessible by the public, unless the person is explicitly prohibited from consuming cannabis flower, cannabis products, lower-potency hemp edibles or hemp-derived consumer products on the property by the owner of the property; and the premises of an establishment or event licensed to permit on-site consumption

(2) For purposes of this section, the term "smoking" means inhaling, exhaling, burning, vaping or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated product containing, made, or derived from nicotine, tobacco, marijuana, cannabis plant, hemp plant, cannabinoid product or other plant, whether natural or synthetic, that is intended for inhalation. Smoking includes carrying or using an activated electronic delivery device.

(B) Prohibition.

(1) It is unlawful for any person to consume or possess in an unsealed container, beer or liquor on any street or other public property except city parks when and where permission has been specifically granted by a permit issued by the community services department.

(2) Except for when otherwise allowed under Minnesota Statutes Section 342.09, it is unlawful for any person to consume or smoke any (Cannabinoid Product) or (Cannabis Product) on any street or other public property except at a city sponsored or private permitted event in a city park when and where permission has been specifically granted by a permit issued by the community services department and the event is a licensed event by the Office of Cannabis Management.

**STATE OF MINNESOTA
LYON COUNTY BOARD OF COMMISSIONERS
NOTICE OF ADOPTION OF
ORDINANCE NO. 24 REGULATING THE USE OF CANNABIS
AND CANNABIS DERIVED PRODUCTS IN PUBLIC PLACES**

Please Take Notice: The Lyon County Board of Commissioners, Held a public hearing on the proposed cannabis ordinance restricting use of cannabis in public places on September 5, 2023. After hearing public comment, Commissioner Andries moved and Commissioner Draper seconded a motion to adopt Ordinance No. 24. The motion was duly adopted on a unanimous roll call vote.

A full copy of the notice is printed below. Copies may also be obtained by contacting Loren Stomberg, Lyon County Administrator, 607 W. Main Street, Marshall, MN 56258, or by email to lorenstomberg@co.lyon.mn.us

**COUNTY OF LYON
STATE OF
MINNESOTA**

ORDINANCE No.: 24

**ORDINANCE REGULATING THE USE OF CANNABIS
AND CANNABIS DERIVED PRODUCTS IN PUBLIC
PLACES**

**THE LYON COUNTY BOARD OF COMMISSIONERS HEREBY ORDAINS
AS FOLLOWS:**

SECTION 1. PURPOSE AND INTENT

This Ordinance is adopted by Lyon County (hereinafter “the County”) for the purpose of protecting public health and safety by REGULATING/PROHIBITING the use of Cannabis and cannabis derived products in public places and places of public accommodation within the County.

Minnesota Session Law 2023, Chapter 63, effective in relevant part August 1, 2023, establishes that the adult use, possession and personal growing of cannabis is legal subject to the requirements and restrictions of Minnesota Statutes.

Minnesota Session Law 2023, Chapter 63, Art. 4, section 19, codified as Minn. Stat. § 342.0263, subd. 5 authorizes the adoption of a local ordinance establishing a petty

misdemeanor offense for public use of cannabis.

The County intends to be proactive in protecting public health and safety by enacting an ordinance that will mitigate threats presented to the public and public health by the public use of cannabis.

The County recognizes the risks that unintended access and use of cannabis products and exposure to cannabis and its effects present to the health, welfare, and safety of members of the public and in particular the youth of the County.

SECTION 2. DEFINITIONS

Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. The following words, terms, and phrases, when used in this ordinance, shall have the meanings ascribed to them except where the context clearly indicates a different meaning.

- (a) **“Cannabis Flower”** shall have the same meaning as defined in Minn. Stat. § 342.01 subd. 16, as amended from time to time.
- (b) **“Cannabis Products”** shall have the same meaning as defined in Minn. Stat. § 342.01 subd. 20, as amended from time to time.
- (c) **“Hemp derived consumer products”** shall have the same meaning as defined in Minn. Stat. § 342.01 subd. 37, as amended from time to time.
- (d) **“Lower-potency hemp edibles”** shall have the same meaning as defined in Minn. Stat. § 342.01 subd. 50, as amended from time.
- (e) **Public place.** A “public place” means a public park or trail, public street or sidewalk, any enclosed, indoor area used by the general public, including, but not limited to, theaters, restaurants, bars, food establishments, places licensed to sell intoxicating liquor, wine, or malt beverages, retail businesses, gyms, common areas in buildings, public shopping areas, auditoriums, arenas, or other places of public accommodation.
- (f) **Place of public accommodation.** “Place of public accommodation” means a business, refreshment, entertainment, recreation, or transportation facility of any kind, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.”
- (g) **Exceptions to the definition of public place or place of public accommodation.** “A public place” or “a place of public accommodation” does not include the following:
 - (1) a private residence, including the individual’s curtilage or yard.
 - (2) a private property, not generally accessible by the public, unless the individual is explicitly prohibited from consuming cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products on the property by the owner of the property; or
 - (3) on the premises of an establishment or event licensed to permit on-site consumption.

- (h) **Smoking.** “Smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated product containing cannabis flower, cannabis products, artificially derived cannabinoids, or hemp-derived consumer products. Smoking includes carrying or using an activated electronic delivery device for human consumption through inhalation of aerosol or vapor from the product.

SECTION 3. PROHIBITED ACTS

Subd. 1. No person shall use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public place or a place of public accommodation unless the premises is an establishment or event licensed to permit on-site consumption of adult-use cannabis flower and adult use cannabis products. *See Minnesota Session Law 2023, Chpt. 63, Art. 1, Sec. 9 codified as Minn. Stat. § 342.09, subd. 1(2) and 342.09, subd.1 (7)(iii) and Art. 4, Sec. 19 codified as Minn. Stat. § 152.0263, subd. 5.*

Subd. 2. No person shall vaporize or smoke cannabis flower, cannabis products, artificially derived cannabinoids, or hemp-derived consumer products in any location where the smoke, aerosol, or vapor would be inhaled by a minor. *Minnesota Session Law 2023, Chpt. 63, Art. 1, Sec. 9 codified as Minn. Stat. §342.09, subd. 1 (7)(b)(9).*

SECTION 4. PENALTY

Subd. 1. Criminal Penalty. A violation of this ordinance shall be a petty misdemeanor punishable by a fine of up to \$300. Nothing in this ordinance shall prohibit the United States, the State of Minnesota, or the County from investigating or prosecuting any other activity that is a crime under any other federal or state statute or county ordinance.

Subd. 2. An alleged violation or violation of this ordinance may be investigated by a peace officer as defined in Minn. Stat. 626.84, subd. 1. Any alleged violation or violation of this ordinance shall be prosecuted by the Office of the Lyon County Attorney.

SECTION 5. SEVERABILITY

If any section or provision of this ordinance is held invalid, such invalidity will not affect any other section or provision that can be given force and effect without the invalidated section or provision.

SECTION 6. EFFECTIVE DATE

This ordinance shall be in full force and effect immediately from and after its passage and publication as required by law.

ADOPTED by the Lyon County Board of Commissioners this _____ day of ____, 2023.

County Board Chair

CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Steven Anderson
Meeting Date:	Tuesday, October 31, 2023
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Ch 74 Traffic and Vehicles Section 261 Operation of Motorized Golf Cart, All-Terrain Vehicles, or Mini-Trucks
Background Information:	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.
Fiscal Impact:	
Alternative/ Variations:	
Recommendations:	Provide feedback and direction on the ordinance.

**CITY OF MARSHALL
ORDINANCE GOLF**

NOW THEREFORE, be it ordained by the Common Council of the City of Marshall, in the State of Minnesota, 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:

A M E N D M E N T

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:

A M E N D M E N T

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:

A M E N D M E N T

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, ~~C~~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:

A M E N D M E N T

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)

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



Special Vehicle Permit Application

Permit Fee: \$35 (Per Vehicle)

Proof of Liability Insurance Required

Permit Type: ☐ Dealer ☐ Individual

Make: _____

Vehicle Type: ☐ UTV ☐ Golf Cart ☐ ATV

Model: _____

Registered Owner: _____

Registration Year: _____

Address: _____
(Street, City)

DNR #: _____

Phone: _____ Email: _____

Authorized Drivers: *Attach a copy of Driver's License for each person who will be driving the Special Vehicle.*

UTV/ATV Requirements

- Rollover protection bar.
- Seatbelt for driver and all occupants pursuant to the designed occupant load.
- At least two (2) headlights.
- At least two (2) taillights and one (1) brake light.
- Front and rear turn signals.
- An exterior mirror mounted on the driver's side of the vehicle.
- Passenger side mirror or interior mirror that provides adequate vision from behind as required by Mn Stat. §169.70.

Golf Cart Requirements

- Slow-moving vehicle emblem provided for in Mn. Stat. §169.522
- Seatbelt for driver and all occupants pursuant to the designed occupant load.
- At least two (2) headlights.
- At least one (1) tail light.
- Front and rear turn signals.
- An exterior mirror mounted on the driver's side of the vehicle.
- Passenger side mirror or interior mirror that provides adequate vision from behind as required by Mn Stat. §169.70.

(initials) I acknowledge that my vehicle meets the above requirements for my vehicle type

I attest that the information on the application is complete and accurate to the best of my knowledge. I also acknowledge that I have read City Ordinance Article 74-VII in its entirety and agree to comply with all requirements therein.

Signature: _____ Date: _____

By: _____ Date: _____

Item 3.

Director of Public Safety

Permit #: _____

Additional Information
on back

Page 23

CONSENT FOR THE RELEASE OF INFORMATION

The below applicant(s) authorize the City of Marshall Police Department to disclose all applicable criminal history record information to the City of Marshall for the purpose of obtaining a Special Vehicle Permit (pursuant to Mn Stat. 299C.72 and/or Mn Stat. 340A.402.) using the attached driver's license information.

The expiration of this authorization shall be for a period no longer than one year from the date of signature.

Each driver authorized to drive under the Special Vehicle Permit must sign and date below.

Applicant 1:_____Date:_____

Applicant 2:_____Date:_____

Applicant 3:_____Date:_____

Applicant 4:_____Date:_____

Applicant 5:_____Date:_____

Applicant 6:_____Date:_____