



CITY OF MARSHALL
Legislative & Ordinance Committee
A g e n d a
Tuesday, February 25, 2025 at 9:00 AM
344 W. Main St., City Hall

APPROVAL OF AGENDA

APPROVAL OF MINUTES

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

NEW BUSINESS

- [2.](#) Adoption of Article 10-IV Temporary Cannabis Events
- [3.](#) Amending Chapter 42-II-2 Graffiti
- [4.](#) Public Sites and Open Spaces
- [5.](#) Ordinance amending Section 86-248 Outside Storage to clarify Commercial Display and Sales Lots Requirements
- [6.](#) Ordinance amending Section 86-1 Definitions to address Sober Houses
- [7.](#) Discussion on proposed Exterior Standards
- [8.](#) Amending Chapter 22 Mobile Food Units

OTHER BUSINESS ITEMS

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, February 25, 2025
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 & ORDINANCE COMMITTEE
M I N U T E S
Tuesday, October 22, 2024

MEMBERS PRESENT: See Moua-Leske and Steve Meister.
MEMBERS ABSENT: James Lozinski.
STAFF PRESENT: Pamela Whitmore, City Attorney; Jason Anderson, Director of Public Works/ City Engineer; Ilya Gutman, Plans Examiner; and Steven Anderson, City Clerk.
OTHERS PRESENT: None.

Consider Approval of the Minutes

There were no amendments to the minutes.

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

Ordinance Amending Sections 86-71 Classes And Enumeration Of Districts, 86-96 A Agricultural District, 86-102 B-1 Limited Business District, 86-103 B-2 Central Business District, 86-104 B-3 General Business District, 86-105 B-4 Shopping Center Business District, 86-106 I-1 Limited Industrial District, and 86-107 I-2 General Industrial District, and Adding New Section 86-166 Certification Of Cannabis Business License Application, All to Comply with the New Cannabis State Regulations.

Gutman briefly reviewed the discussion from the previous Legislative and Ordinance Committee meeting and included the changes suggested by the members. The members agreed with the changes and placement of the different cannabis businesses.

Motion made by Moua-Leske, seconded by Meister to recommend the amendments to Chapter 86 related to cannabis businesses as recommended by staff to City Council.

Alley Reconstruction Methodology and Cost Split (Special Assessment Policy - III. Specific Policies, Item T-Alleys)

Director Anderson said the City of Marshall had many alleys that were not paved or have pavements in very poor condition. Aside from downtown areas, most alleys that are paved are a bituminous surface. In areas where alleys exist, they are often used for driveway access and garbage/recycling pick-up. City staff were often approached by property owners who desired an improvement in their alley. The current Special Assessment Policy requires costs of alley improvements to be borne entirely by benefitting property owners. The cost of covering this improvement was most often a deterrent to getting an alley project completed. City staff believes that there would be a benefit to the City if alleys are paved and in good condition. Gravel alleyways require more maintenance than a paved alley. Further, alleys paved with concrete have a longer lifespan with less maintenance, and concrete is much easier to install with an inversion to carry stormwater drainage to an acceptable location. City staff would like consideration for city cost participation with an alley improvement project, provided the alley is constructed with a concrete surface and to a minimum standard as developed and approved by the City Engineering Department. Members asked about the cost and benefits of using concrete in alleys. Meister also inquired about the history of alleys. Director Anderson said it was a common developer choice in the older areas of town and new development practices no longer utilize alleyways.

Hanson asked about how quickly the city would need to provide funds if the city were to receive a petition and cost share an alley. An alley project could be slotted into the capital improvement plan like any other project and did not need to occur immediately. If there is a petition that contains all property owners and their willingness to pay 100% of the cost, then the project would need to occur as soon as possible. Members discussed commercial alleys and going 50/50 and having a higher participation rate for residential alleys as they are mostly only used by the property owners. Whitmore clarified that by policy the city could do different cost participation rates for commercial and residential districts.

Motion made by Moua-Leske, seconded by Meister to have 75/25 residential owner/city cost participation, 50/50 cost participation in commercial districts and at least 65% of abutting property owners must agree with an alley project for special assessment purposes. All voted in favor.

Ordinance Amending Sections 86-1 Definitions and 86-97 Low Density Residence District

Gutman told member that in the last several months inquiries were made about the opening of “sober homes”, and one was found to be already in existence. The State of Minnesota had recently passed a law that added a definition for sober homes and certain requirements. Sober homes were a type of rental property where several unrelated adults live. The City had removed a limit on the number of such unrelated adults in a rental unit, the only limit left is the maximum number of people (two) per bedroom in the City Housing Code. Whitmore explained that there are licensed and unlicensed sober houses. The unlicensed sober houses that were targeted by a few cities had filed lawsuits and Whitmore would research what regulations a city could impose. Whitmore also recommended that the word “typically” be removed and that a better definition of “family” be used regarding zoning. Staff would investigate a sober house ordinance.

Motion by Moua-Leske, seconded by Meister to table the item. All voted in favor.

Exterior Appearance Standards

Gutman provided background information. In 2017 the city council removed appearance standards, but the new comprehensive plan adopted by the city council had exterior appearance standards. Staff recommended that high traffic area have uniformity in appearance. The suggested areas were near the Red Baron Arena, Wal-Mart commercial district and possibly along College Drive. Members asked about downtown and a couple of buildings that didn’t conform. Director Anderson explained that the Heritage District (downtown) was under the authority of the Planning Commission for non-conformity. Council approval was still required and was granted in the case of the few non-conforming buildings. Staff and members continued discussion on appearances, and it was clarified that the exterior appearance standard would only apply to businesses, not residential buildings.

Adjournment

At 1:42 PM Motion by Moua-Leske, seconded by Meister to adjourn the meeting. All voted in favor.

Respectfully submitted,
Steven Anderson
City Clerk

CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Pam Whitmore/Steven Anderson
Meeting Date:	Tuesday, February 25, 2025
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Adoption of Article 10-IV Temporary Cannabis Events
Background Information:	Under Minnesota Statute Chapter 342 temporary cannabis events are allowed with local approval. Temporary Cannabis Events can only be hosted by a licensed Cannabis Event Organizer that has been approved by the Office of Cannabis Management. The Office of Cannabis Management plans to begin accepting applications for Cannabis Event Organizers sometime this summer. To protect the public health, safety and welfare of the citizens of Marshall staff are proposing regulations to be put into place.
Fiscal Impact:	
Alternative/ Variations:	<p>To make changes to the proposed ordinance and recommend the changes be brought to a regular council meeting for consideration.</p> <p>Or</p> <p>To make changes to the proposed ordinance and have the Legislative & Ordinance Committee review before a recommendation is made.</p>
Recommendations:	To recommend the adoption of Article 10-IV Temporary Cannabis Events be brought to a regular council meeting for consideration.

**CITY OF MARSHALL
ORDINANCE TEMP CANNABIS EVENTS**

**AN ORDINANCE AMENDING CHAPTER 10 AMUSEMENTS AND
ENTERTAINMENTS, ADOPTING ARTICLE IV TEMPORARY CANNABIS
EVENTS**

The Common Council of the City of Marshall do ordain:

SECTION 1: **ADOPTION** “ARTICLE 10-IV TEMPORARY CANNABIS
EVENTS” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

ARTICLE 10-IV TEMPORARY CANNABIS EVENTS(*Added*)

SECTION 2: **ADOPTION** “Section 10-40 Statement of Policy” of the
Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 10-40 Statement of Policy(*Added*)

The City of Marshall makes the following legislative findings: The purpose of this ordinance is to protect public health, safety, and welfare in the City by implementing regulations on temporary cannabis events within the City pursuant to Minnesota Statutes, Chapter 342, specifically Sections 342.39 and 342.40. The City finds and concludes that these regulations are appropriate, lawful, in the public interest, and for the public good.

SECTION 3: **ADOPTION** “Section 10-41 Definitions” of the Marshall
Municipal Code is hereby *added* as follows:

ADOPTION

Section 10-41 Definitions(*Added*)

- (a) “Cannabinoid Product” means cannabis product, a hemp derived consumer product, or a lower-potency hemp edible as defined in Minn. Stat. § 342.01.
- (b) “School” means any property owned, leased, or controlled by an independent district,

commonly referred to as a school district, under Minn. Stat. § 123A.05; or by an organization operating a nonpublic school, as that term is defined in Minn. Stat. § 123B.41, subd. 9, where an elementary, middle, secondary school, secondary vocational center or other school providing educational services for any grade kindergartner through grade 12 is located; or any property owned, leased or used as a community education program by a school district or districts for children and their caregivers, relatives or parents for the ages from birth to kindergarten, excluding properties exclusively used for the remote or online delivery of educational programming.

- (c) **“Special Services”** means the exclusive allocation of City resources, including, but not limited to, city personnel, equipment, rights-of-way, property or facilities for use in conjunction with a specific event or activity, as requested by the host or sponsor of the event, or as requested by or on behalf of any person attending the event, or deemed necessary by city staff in order to maintain public safety. Special Services shall include, but not be limited to, any of the following: street closures; requiring police officers to stop or reroute traffic; special police protection; stationing emergency vehicles at or in the immediate vicinity of the event; exclusive use of city streets or property as a staging area or for event parking; additional street cleaning and garbage removal services; special signage, such as temporary no parking signs; the use of any city building, equipment or other property for any purpose other than the normal operations of the facilities; or the City otherwise providing exclusive services.
- (d) **“Temporary Cannabis Event Organizer”** means an individual or an organization licensed by the State of Minnesota to hold a Temporary Cannabis Event, as described in Minnesota Statute Section 342.39 and 342.40.

SECTION 4: **ADOPTION** “Section 10-42 Temporary Cannabis Event, Permit Required” of the Marshall Municipal Code is hereby *added* as follows:

A D O P T I O N

Section 10-42 Temporary Cannabis Event, Permit Required(*Added*)

Any person or organization desiring to hold a Temporary Cannabis Event in the City must first obtain a Temporary Cannabis Event Permit from the City.

SECTION 5: **ADOPTION** “Section 10-43 Permit Application” of the Marshall Municipal Code is hereby *added* as follows:

A D O P T I O N

Section 10-43 Permit Application(*Added*)

(a) Form. Application for a permit to hold a Temporary Cannabis Event must be made in writing and must contain a statement made upon oath or affirmation that the statements contained therein are true and correct to the best knowledge of the applicant and must be signed and sworn to or affirmed by the Temporary Cannabis Event Organizer. The application must contain and disclose the following:

- (1) Applicant name, address, phone number;
- (2) Date(s) of proposed Temporary Cannabis Event;
- (3) Duration of Temporary Cannabis Event, including beginning and ending times;
- (4) Address of proposed Temporary Cannabis Event;
- (5) Name of property owner, if different from applicant;
- (6) A complete copy of the cannabis event license application, submitted to the Office of Cannabis Management pursuant to Minnesota Statutes Section 342.39 subd. 2;
- (7) Type and description of the Temporary Cannabis Event including:
 - a. Whether the general public will be permitted to attend, and estimated number of persons to attend;
 - b. Any public health plans, including supplying water to the site, solid waste collection and provision of toilet facilities, if applicable;
 - c. Any fire prevention and emergency medical services plans, if applicable;
 - d. Security plans;
 - e. The admission fee, donation, or other consideration to be charged or requested for admission, if applicable;
 - f. Whether food or alcohol will be served or sold at the event;
 - g. A detailed description of all public rights-of-way and private streets for which the applicant requests the City to restrict or alter normal parking, vehicular traffic or pedestrian traffic patterns, the nature of such restrictions or alterations, and the basis;
 - h. A description of any services, city personnel, city equipment, and city property which the applicant requests the City to provide, including the applicant's estimate of the number and type needed, and the basis on which the estimate is made. However, the City retains sole discretion to determine the number and type of services required for the event;
 - i. Whether any sound amplification or public address system will be used or if there will be any playing of any music or musical instruments;
 - j. A statement signed by the applicant agreeing to pay all fees and meet all other requirements of this Section;
 - k. Applicant signature and property owner's signature, if different from applicant; and
 - l. Any other information requested by the City, acting through its City Administrator or Chief of Police deemed reasonably necessary in order to determine the nature of the Temporary Cannabis Event and

- the extent of any Special Services required.
- (b) Time for filing. A Temporary Cannabis Event permit application must be filed with the City at least 30 days in advance of the date in which the Temporary Cannabis Event is to occur.
 - (c) Permit fee. An applicant for a Temporary Cannabis Event permit must pay a nonrefundable permit fee in the amount set forth in the City's fee schedule.

SECTION 6: **ADOPTION** "Section 10-44 Application Review" of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 10-44 Application Review(*Added*)

- (a) Upon receipt of a Temporary Cannabis Event permit application, the City Administrator, or their designee, shall be responsible for promptly processing the application, including conferring with City staff and the applicant as necessary to implement the provisions of this Section, and, when required by this Section, forwarding the processed application to the City Council with a recommendation to approve, approve with conditions or modifications, or deny the Temporary Cannabis Event permit application.
- (b) Special Services. The City Administrator shall work with City staff to determine whether Special Services may be necessary, and the cost for such Special Services.
- (c) Review. When a Temporary Cannabis Event will not require any Special Services, the City Administrator may review and approve the permit application administratively. In cases where a Temporary Cannabis Event requires Special Services, the application will be presented to the City Council for review.
- (d) Permit Denial. The city may deny an application for a Temporary Cannabis Event permit if it determines from a consideration of the application or other pertinent information, that:
 - (1) The information contained in the application or supplemental information requested from the applicant is false or nonexistent in any material detail;
 - (2) The applicant fails to supplement the application after having been notified by the City of additional information or documents needed;
 - (3) The applicant fails to agree to abide or comply with all of the conditions and terms of the Temporary Cannabis Event permit, including payment of all costs and expenses;
 - (4) The Temporary Cannabis Event would substantially or unnecessarily interfere with traffic in the City, would interfere with access to the fire station or fire hydrants, or would interfere with access to businesses or residences in the immediate vicinity of the event and there are not sufficient city resources

- available at the time of the event to mitigate the disruption;
- (5) The Temporary Cannabis Event is of the size or nature that requires the diversion of so many law enforcement officers to properly police the event, site and contiguous areas that allowing the Temporary Cannabis Event would unreasonably deny law enforcement protection to the remainder of the City and its residents;
 - (6) The proposed date and time of the Temporary Cannabis Event conflicts with a previously scheduled event and there are not available at the time of the proposed Temporary Cannabis Event sufficient city resources to provide services for both events without substantially or unnecessarily interfering with police, fire, water, public works, or other services to the City as a whole;
 - (7) The location of the Temporary Cannabis Event will substantially interfere with any construction or maintenance work scheduled to take place upon or along public property or right-of-way;
 - (8) The Temporary Cannabis Event would likely endanger the public safety or health;
 - (9) The Temporary Cannabis Event would substantially or unnecessarily interfere with police, fire, water, public works, or other services to the City as a whole and there are not available at the time of the proposed event sufficient city resources to mitigate the disruption;
 - (10) The applicant fails to comply with the liability insurance requirements or the applicant's insurance lapses or is canceled;
 - (11) The applicant has on prior occasions made material misrepresentations regarding the nature and extent of Special Services required for a Temporary Cannabis Event in the City or has violated the terms of a prior Temporary Cannabis Event permit.

SECTION 7: ADOPTION “Section 10-45 Fees” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 10-45 Fees(*Added*)

- (a) Special Services Fee Deposit. If any Special Services are to be used during the Temporary Cannabis Event, the applicant may be required to pay a non-refundable Special Services fee deposit at least ten business days before the Temporary Cannabis Event. The City Administrator shall determine the Special Services fee deposit. It shall be based upon an estimate of Special Services that are necessary as determined by the City's department heads.
- (b) User Fee. Upon completion of the Temporary Cannabis Event, the City may prepare a

detailed account of all Special Services provided for the Temporary Cannabis Event and in such cases, will set the final user fee using the rates, fees and charges established as provided in this ordinance. The city will then provide the applicant with a copy of the detailed account of the Special Services and an invoice for the user fee, less the special services fee deposit. The balance of the user fee will then become due and payable immediately upon its receipt.

(c) Special Services Rates. The rates charged shall be set forth in the City's fee schedule.

SECTION 8: ADOPTION "Section 10-46 Indemnification And Insurance"
of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 10-46 Indemnification And Insurance(*Added*)

- (a) If the Temporary Cannabis Event requires Special Services, prior to the issuance of a Temporary Cannabis Event permit, the permit applicant and authorizing officer of the sponsoring organization, if any, must sign an agreement to indemnify, defend and hold the City, its officials, employees, and agents harmless from any claim that arises in whole or in part out of the Temporary Cannabis Event, except any claims arising solely out of the negligent acts or omissions of the City, its officials, employees and agents.
- (b) Liability Insurance Required. The applicant must possess or obtain liability insurance to protect against loss from liability imposed by law for damages on account of bodily injury or property damage arising from the Temporary Cannabis Event. A certificate of insurance must be filed with the City prior to issuance of the Temporary Cannabis Event permit. The certificate of insurance must name the City, its officials, employees and agents as additional insureds. Insurance coverage must be maintained for the duration of the Temporary Cannabis Event. Any company hired or working on behalf of the applicant or sponsor must also present the City with a certificate of insurance naming the City, its officials, its employees, and agents as additional insureds.
- (c) Minimum Limits. Insurance coverage must be a commercial general liability policy. The minimum limits must be at least \$1,000,000. If on-site consumption is permitted at the Temporary Cannabis Event, the policy must also include an endorsement for such consumption. The city may require additional endorsements depending upon the type of Temporary Cannabis Event and the proposed activities.
- (d) Waiver or Reduction of Required Limits. The city may waive or reduce insurance requirements of this section under the following circumstances:
 - (1) The applicant or officer of the sponsoring organization signs a verified statement that the insurance coverage required by this section is impossible to obtain; or
 - (2) The city determines that the insurance requirements are in excess of the reasonable risk presented by the proposed Temporary Cannabis Event.

SECTION 9: ADOPTION “Section 10-47 Temporary Cannabis Event Regulations” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 10-47 Temporary Cannabis Event Regulations(*Added*)

- (a) Location Restrictions. Temporary Cannabis Events are prohibited:
 - (1) On City-owned property other than as allowed by a Park Rental License pursuant to Section 46-29(c) and (d) of City Code.
 - (2) If held outdoors, on property within 500 OR 1,000 feet of a school, or city-owned park that includes a park feature that attracts minors;
- (b) Hours Restrictions: Temporary Cannabis Events shall only be held between the hours of (insert start time) and (insert stop time).
- (c) All Temporary Cannabis Events must follow all requirements of Minn. Stat. § 342.01, et seq., particularly Minn. Stat. § 342.40.
- (d) The Temporary Cannabis Event must be in compliance with the City’s nuisance ordinance at all times.
- (e) On-site cannabis sales to event customers of products including cannabis plants, adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, and hemp-derived consumer products are permitted so long as the following conditions are met:
 - (1) The sales are conducted by authorized retailers, including a cannabis microbusiness with a retail endorsement, cannabis mezzobusiness with a retail endorsement, cannabis retailers, and/or lower-potency hemp edible retailers, including the cannabis event organizer.
 - (2) All sales of such products take place in a retail area as designated in the premises diagram.
 - (3) Authorized retailers only conduct sales within their specifically assigned area.
 - (4) Authorized retailers verify the age of all customers pursuant to Minn. Stat. Section 342.27, subd. 4, before completing a sale and may not sell products to an individual under 21 years of age.
 - (5) Authorized retailers may only display up to one sample of each type of such product available for sale and must comply with statutory regulations on samples in Minn. Stat. Section 342.40.
 - (6) Authorized retailers comply with the notice requirements under Section 342.27, subd. 6.
 - (7) Retailers must not do any of the following:
 - a. Sell such products to a person who is visibly intoxicated;
 - b. Knowingly sell more products than a customer is legally permitted to possess;
 - c. Sell medical cannabis flower or medical cannabinoid products;
 - d. give away products; or

- e. allow for the dispensing of products in vending machines.
- (8) Except for samples, all products must be stored in a secure, locked container that is not accessible to the public and shall not be left unattended.
- (9) All products must comply with Minnesota statutes and rules regarding the testing, packaging, and labeling of those products.
- (10) All products sold, damaged, or destroyed at a cannabis event must be recorded in the statewide monitoring system.
- (f) On-site consumption of cannabinoid products including adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles and/or hemp-derived consumer products is permitted so long as the following conditions are met:
 - (1) Access to areas where consumption of such products is allowed are restricted to individuals who are at least 21 years of age;
 - (2) The cannabis event organizer ensures consumption of such products within a designated consumption area is not visible from any public place;
 - (3) The cannabis event organizer does not permit consumption of alcohol or tobacco; and
 - (4) The cannabis event organizer does not permit smoking, according to Minn. Stat. Section 144.413 of adult-use cannabis flower or cannabis products at any location where smoking is not permitted under Sections 144.413 to 144.417.

SECTION 10: **ADOPTION** “Section 10-48 Permit Revocation” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 10-48 Permit Revocation(*Added*)

A Temporary Cannabis Event permit may be revoked by the City Administrator at any time for failure to comply with the provisions of this Section or Minn. Stat. § 342.01, et seq., particularly Minn. Stat. § 342.40.

SECTION 11: **ADOPTION** “Section 10-49 Enforcement” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 10-49 Enforcement(*Added*)

- (a) Misdemeanor: Any person who violates this Section is guilty of a misdemeanor and,

upon conviction, is subject to a fine and imprisonment as prescribed by state law. Each day each violation continues or exists, constitutes a separate offense.

- (b) Administrative fine: any person who violates this Section may be subject to administrative fines in an amount set in the City Fee Schedule. Each day each violation continues or exists, constitutes a separate offense.
- (c) Violation of any provision of this Section shall also be grounds for revocation of the Temporary Cannabis Event Permit, denial of any future application for a Temporary Cannabis Event permit, and action against any City-issued business license held by the Temporary Cannabis Event Organizer.

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

CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Pam Whitmore
Meeting Date:	Tuesday, February 25, 2025
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Amending Chapter 42-II-2 Graffiti
Background Information:	<p>Staff had worked with Attorney Whitmore to review the use of chalk on public property. The enforcement of sidewalk chalk as graffiti or defacing of public property varies amongst jurisdictions. Sidewalks are widely used as a traditional public forum and regulation of the content of the speech on sidewalks is limited. However, the method of speech may be regulated.</p> <p>Staff would like to implement a permit process to allow the use of chalk on certain public property.</p>
Fiscal Impact:	
Alternative/ Variations:	
Recommendations:	To recommend the amendments of Chapter 42 Article II Division 2 Graffiti be brought to a regular council meeting for consideration.

Section 42-36 Definitions

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

Graffiti means any writing, printing, marks, signs, symbols, figures, designs, inscriptions or other drawings which are scratched, scrawled, painted, drawn or otherwise placed on any exterior surface of a building, wall, fence, sidewalk, curb or other permanent structure on public or private property and which have the effect of defacing the property.

Graffiti implements means paint, aerosol or pressurized containers of paint, indelible markers, chalk, ink, dye or any other substance capable of defacing property.

Section 42-38 Prohibited Acts

1. *Applying graffiti.* Other than related to chalk as allowed by permit, it shall be unlawful for any person to apply graffiti to any natural or manmade surface on any real or personal property owned by the city or other government. To the extent any person wishes to use chalk on any natural or manmade surface on any real or personal property owned by the City or owned by other governmental entities but within City's jurisdictional limits, the person may do so only with a permit issued by the City. It shall be unlawful for any person to apply graffiti to any natural or manmade surface on any privately owned real or personal property without the permission of the owner.
2. *Possession of graffiti implements by minors.* Other than chalk, it shall be unlawful for any person under the age of 18 years to possess any graffiti implement while on any school property, grounds, facilities, buildings or structures, or in areas immediately adjacent to those specific locations upon public property, or upon private property without the prior written consent of the owner or occupant of such private property. The provision of this division does not apply to the possession of graffiti materials by a minor attending or traveling to or from a school at which time the minor is enrolled if the minor is participating in a class that the school formally requires the possession of such graffiti materials. The burden of proof in any prosecution for violation of this division is upon the minor student to establish the need to possess the graffiti materials.
3. *Unlawful possession near certain property.* Other than chalk, it shall be unlawful for any person to possess any graffiti implement while in or upon any public

facility, park, playground, swimming pool, recreational facility, or other public building or structure owned or operated by the city or while in or within 50 feet of an underpass bridge abutment, storm drain, or similar types of infrastructure unless otherwise authorized by the city.

4. Chalk. In the event that chalk is used as part of a city permitted event, the permittee shall remove the chalk message, depiction, pictures or graphic no later than the end of event. If removal does not occur, the City shall charge the permittee \$XX for removal.

CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Pam Whitmore
Meeting Date:	Tuesday, February 25, 2025
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Public Sites and Open Spaces
Background Information:	<p>The city has certain needs in relation to meeting the demand for public facilities and parks. The city has undertaken certain studies and has dedicated time to analyzing these needs. As a result, the city has set as a priority: the city needs to provide a wide variety of park type facilities, community centers, open space and trails to meet the recreational needs of residents and businesses, to encourage exercise and a sense of physical well-being, to connect the community and to enhance the aesthetic sense of the community.</p> <p>Increased residential, commercial and industrial development directly increases the need for parks and trails and there is a reasonable relationship between the increased demand for these improvements caused by new developments and the city's dedication requirements. Parks and trails are needed as new development is constructed, and that seemed fair to require that these facilities be constructed at the time of development at the sole expense of the project proponent.</p>
Fiscal Impact:	
Alternative/ Variations:	
Recommendations:	To recommend the amendments to Section 66-102 Public Sites and Open Spaces be brought to council for consideration.

Section 66-102 Public Sites And Open Spaces

In subdividing land or resubdividing an existing plat, due consideration shall be given by the subdivider, and by the planning commission upon review, for the development, dedication, or reservation of suitable sites for schools, conservation areas or other public or semipublic recreation areas, or parks and open spaces.

(a) Parks and Open Spaces

1. Findings. The city has certain needs in relation to meeting the demand for public facilities and parks. In relation thereto, the city has undertaken certain studies and has dedicated time to analyzing these needs. As a result, the city has set as a priority:

(a) That the city needs to provide a wide variety of park type facilities, community centers, open space and trails to meet the recreational needs of residents and businesses, to encourage exercise and a sense of physical well-being, to connect the community and to enhance the aesthetic sense of the community.

(b) Residents and businesses of the city are requesting a greater depth and breadth of recreational facilities.

(c) The city has determined that as more people use city recreational facilities and its population and businesses increase, there is a significant need for additional recreational facilities and trails within the community.

(d) The city finds that increased residential, commercial and industrial development directly increases the need for parks and trails and there is a reasonable relationship between the increased demand for these improvements caused by new development and the city's dedication requirements.

(e) The city has further determined that parks and trails are needed as new development is constructed, and that it is fair to require that these facilities be constructed at the time of development at the sole expense of the project proponent.

2. 4- Applicability.

(a) This Section shall be applicable for: (i) all development in districts zoned residential or business (commercial) involving subdivisions, and (ii) for lot splitting or minor subdivisions in existing developments that are not anticipated to be more intensively developed or expanded following the split or minor subdivision.

(b) The proponent or developer of the project covered under subdivision 2(a) herein shall be required to dedicate for public use a suitable tract of land within the

boundaries of the development which shall not include land dedicated for streets, roadways, drainage or similar uses. Land shall not be dedicated as parks, playgrounds, or public lands until such lands have been approved by the city council for the purpose for which they are to be dedicated. Such dedication of land for a park or trail for public use shall be without restrictions or reservations and shall be transferred by deed to the city or, at the city's sole discretion, to a homeowner's association approved by the city council. The project proponents shall improve such dedicated land or trail to a condition approved by the city council and included in the developer's agreement. Des minimis subdivisions may be exempted from the requirement to plat and improve a neighborhood park in the development at the sole discretion of the city council.

(c) If in the opinion of the city council in consultation with the _____, the area proposed to be dedicated is not suitable or desirable for park purposes because of location, size or other reasons, in the sole discretion of the city council the city council may require a fee in lieu of land dedication.

(d) Subject to subdivision 2(c) herein, the developer or project proponent meeting the criteria of this Section may choose to pay an applicable park dedication fee for its development type as prescribed in the city's fee schedule. Payment of park land development fees may either be paid by the developer as set forth in the development agreement or will be required when any property within the city limits is subdivided and zoned residential or business (commercial), upon the sale of any lot within said subdivision. The fee will be paid to the city by the purchaser of the lot within said subdivision in accordance with current "Resolution Approving Specific Fees to be Charged by the City of Marshall", unless the _____ reviews the development or project and their individualized analysis determines modification of the fee is necessary. In reviewing the fees, the City may consider, among other things, criteria which includes:

(i) comprehensive plan requirements for maintaining open space and any percentages included in that plan;

(ii) number of households or increase in population of the development and guidance from the comprehensive plan or zoning

(iii) the unique individualized circumstances present, if any, in the application, which make a dedication, dedication fee, or the amount of either, inappropriate in the specific case;

(iv) the open space, recreational, or common areas and facilities open to the public that the applicant proposes to reserve for the subdivision; and,

(v) the basis for the applicant's contention, if any, that the intent and purpose of city's code related to public dedication can be accomplished without a dedication

and/or cash fee in lieu of dedication, or a dedication and/or cash fee in lieu of dedication at a lesser amount. Any parkland development fees paid to the city shall be placed in a special fund to be used for the acquisition of park lands or development of parks under the jurisdiction of the city.

3. 2. The location of such park lands shall be recommended for approval to the city council by the community services department.

4. When applied. Compliance with this Section shall be completed either as a condition to approval of a subdivision or prior to issuance of a building permit, whichever occurs earliest. Park dedication fees for existing developed properties proposed for lot splitting, including but not limited to existing residential neighborhoods, shall pay the park dedication fees at the time that a request for lot splitting is submitted. Completion of certain components (such as installation of trails or neighborhood parks) may be delayed until a date determined acceptable to the city and included within the developer's agreement provided that adequate financial security in a form acceptable to the city attorney is furnished by the project proponent to the city.

**CITY OF MARSHALL
AGENDA ITEM REPORT
L&O 02/25/25**

Presenter:	Ilya Gutman
Meeting Date:	Tuesday, February 25, 2025
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Ordinance amending Section 86-248 Outside Storage to clarify Commercial Display and Sales Lots Requirements
Background Information:	<p>Current ordinance requires that all sales and display lots are paved. Staff are proposing to change the ordinance to allow small equipment to be displayed on grass or other landscaped areas provided there is a paved surface (for example, parking or sidewalk) within 5 feet. The reason is that these kinds of sales lots are of much more limited utilization than car sales lots with significantly less traffic. On the other hand, maintaining an easy and accessible approach to display is still important.</p> <p>Here is some related information: Kruse Motors (Tholen at that time) built two dealerships on two adjacent lots along the highway and left a third lot vacant for a future one. There was a large gravel area there and it was used for some occasional parking, but we let it go as it was clearly not a sales lot. Recently, they installed lights on that lot, added another sign in front of it, and have it full of cars (mostly used ones). When we brought up current ordinance requirements, the owner pointed out that a property across the highway sells lawn equipment and small machinery, and they are displayed on grass.</p> <p>The plan is to ask both businesses to comply with the ordinance after it is adopted.</p>
Fiscal Impact:	None.
Alternative/ Variations:	None recommended.
Recommendations:	Staff recommend the recommendation to the City Council approving the revisions amending Sections 86-248 Outside Storage to clarify commercial display and sales lots requirements as recommended by staff.

Section 86-248 Outside Storage

- (a) In all classes of residential districts, open storage and accumulation of materials and equipment shall be prohibited. In all other zoning districts, open storage of materials and equipment shall be prohibited in the required front, side, and rear yards, except storage shall be allowed in the required rear yard in industrial districts. Unless prohibited elsewhere in the ordinance, any other outside storage, including outdoor storage tanks, shall be located or screened so as not to be visible from public right-of-way, public parks or any lot within 500 feet in any of the classes of business or residence districts, except in industrial and agricultural zoning districts screening from public right-of-way is not required. The screening may be achieved by fencing or landscaping means compliant with section 86-247. In all classes of business districts, the storage area shall be paved or graveled to control erosion and shall be properly maintained. Temporary storage of building materials intended for construction use on premises shall be allowed during ongoing construction and up to two weeks prior to construction and is exempt from the above requirements provided a valid building permit is obtained.
- (b) Outdoor display of retail merchandise intended for sale or rent and open to public shall be allowed in all classes of business and industrial districts. In all classes of business districts, the display area, except live plants sales area, shall be paved to control dust and erosion and facilitate accessibility and general access to, and moving of, displayed products. ~~Except licensed automobile, motorcycle, off-road vehicle, and boat sales lots, and small motorized farm and lawn care equipment sales, the display area shall not be located in the required front and side yards.~~ Outdoor display areas adjacent to any of the classes of residence districts shall be screened by fencing or landscaping means compliant with section 86-247. Outdoor display area shall be adequately lighted.
- (1) Small off-road vehicles, golf carts, small farm and lawn care equipment, including subcompact tractors, and pre-built sheds may be displayed in the landscaped area, provided they are all located within five feet of a paved surface contiguous with the required parking, and all site landscaping requirements are met.
- (2) Except licensed automobile, motorcycle, off-road vehicle, recreational vehicles, as defined in Section 74-131, and boat sales lots, and golf carts and new small, motorized farm and lawn care equipment sales, the display area shall not be located in the required front and side yards.

**CITY OF MARSHALL
AGENDA ITEM REPORT
L&O 02/25/25**

Presenter:	Ilya Gutman
Meeting Date:	Tuesday, February 25, 2025
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Ordinance amending Section 86-1 Definitions to address Sober Houses
Background Information:	<p>Last year, several inquiries were made about the opening of “sober homes” in town, and one is already in existence. The State of Minnesota has recently passed a law that added a definition for them and certain requirements. However, sober homes are not state licensed facilities, unlike group homes and other residential programs. In reality, this means that a “sober home” is just a rental property where several unrelated adults live. Since the City has removed a limit on the number of such unrelated adults in a rental unit, the only limit left is the maximum number of people (two) per bedroom from the current City Housing Code.</p> <p>In staff’s view, “sober homes” are, for all practical purposes, residential facilities and should be treated as such. Proposed Ordinance change makes sure that no more than six people will be living in a single-family house if it becomes a “sober home.” Residential facilities serving six or fewer individuals are required by State Statutes to be a permitted use in single family residence districts. Since there is some movement to introduce licensing for “sober homes” on the state level, this change will be in line if this happens.</p>
Fiscal Impact:	None.
Alternative/ Variations:	None recommended.
Recommendations:	Staff recommends the recommendation to the City Council approving the revisions amending Sections 86-1 Definitions to incorporate “sober homes” as recommended by staff.

Section 86-1 Definitions

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

Residential facility means:

- (a) ~~Any~~ facility, licensed by the ~~Department of Health and Human Services with the State of Minnesota~~~~commissioner of public welfare~~, public or private, which for gain or otherwise regularly provides one or more individuals with a 24-hour per day substitute for care, food, lodging, training, education, supervision, habilitation, rehabilitation and treatment they need, but which for any reason cannot be furnished in the individual's own home. Residential facilities include, but are not limited to: state institutions under the control of the ~~State of Minnesota~~~~commissioner of public welfare~~, foster homes, residential treatment centers, maternity shelters, group homes, residential programs, ~~licensed sober houses~~, or schools for handicapped children. Nothing in this definition shall be construed to include any facility excluded by Minn. Stat. § 462.357, subd. 7.
- ~~(b) Any communal living facility, which, for gain or otherwise, provides one or more persons with education, support, or rehabilitation related to a disability recognized under the Fair Housing Act and which, because of the benefits of communal living, furthers their rehabilitation and access to housing, including sober houses operating in compliance with state law.~~

**CITY OF MARSHALL
AGENDA ITEM REPORT
L&O 02/25/25**

Presenter:	Ilya Gutman
Meeting Date:	Tuesday, February 25, 2025
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Discussion on proposed Exterior Standards
Background Information:	<p>The recently adopted 2040 Comprehensive Plan includes a provision for adopting "...design standards to guide the exterior look of buildings and development." It further states that "Design guidelines often address topics such as building materials, building height and scale, roof design, and other topics. Typically design standards are catered to specific areas with the city, such as a traditional downtown, redevelopment areas, or new development areas." Consequently, the Plan recommends that the "City of Marshall should adopt area specific design standards to guide the look and feel of development within key areas of the city."</p> <p>In line with these recommendations, and after receiving a green light to proceed at the last L&O Committee meeting, staff created an outline of the future exterior standards, along with the location of those standards' applicability. I will also share existing building images to facilitate a discussion.</p>
Fiscal Impact:	None.
Alternative/Variations:	None recommended.
Recommendations:	Staff recommend expanding the outline presented today into a new exterior standards ordinance.

Classes of materials.

Permitted exterior building materials shall be divided into Class I and Class II categories as follows:

Class I

- Clay-based masonry units; brick (integrally colored)
- Natural and architectural manufactured stone (provided it replicates the appearance of natural stone, not concrete block)
- Glass/spandrel glass
- Prefinished architectural grade flat metal panels with concealed fasteners
- Specialty concrete block such as textured, burnished or rock faced block
- Exterior insulation and finish systems (EIFS)
- Masonry stucco
- Architectural precast textured concrete panels
- Cement-based architectural panel products
- Architectural thin panel product resembling other Class I materials (e.g. brick, stone, or stucco)

Class II

- Smooth scored concrete block
- Smooth precast concrete tip up panels
- Glass block
- Cedar, redwood, metal, fiber-cement or engineered wood horizontal siding and shakes
- Fiber-cement and wood/engineered wood board and batten siding

Material coverage for walls

- Level 1 areas:
 - Not less than 60% of Class I materials and remaining Class II materials for front building elevation and any adjacent elevation set less than 45 degrees to, and visible from, the street.
 - Not less than 40% of Class I materials and remaining Class II materials for side elevations within 20 feet of the building's front and for all other elevations facing a street and located less than 150 feet from it.
 - Not less than 20% of either Class I or Class II materials for all side elevations; no requirements for rear elevations.
 - Materials other than Class I and Class II may constitute up to 10% of all front elevations or elevations facing a street as accent materials.
 - All residential properties with four or fewer units are exempt.
 - Minimum requirements for all other residential properties may be reduced by half.

- Level 2 areas:
 - Not less than 40% of Class I materials and remaining Class II materials for front building elevation and any adjacent elevation set less than 45 degrees to, and visible from, the street.
 - Not less than 25% of Class I materials and remaining Class II materials for side elevations within 10 feet of the building's front and for all other elevations facing a street and located less than 100 feet from it.
 - Not less than 10% of either Class I or Class II materials for all side elevations; no requirements for rear elevations.
 - Materials other than Class I and Class II may constitute up to 20% of all front elevations or elevations facing a street as accent materials.
 - All residential properties with four or fewer units are exempt.
 - Minimum requirements for all other residential properties may be reduced by half.

Additional requirements

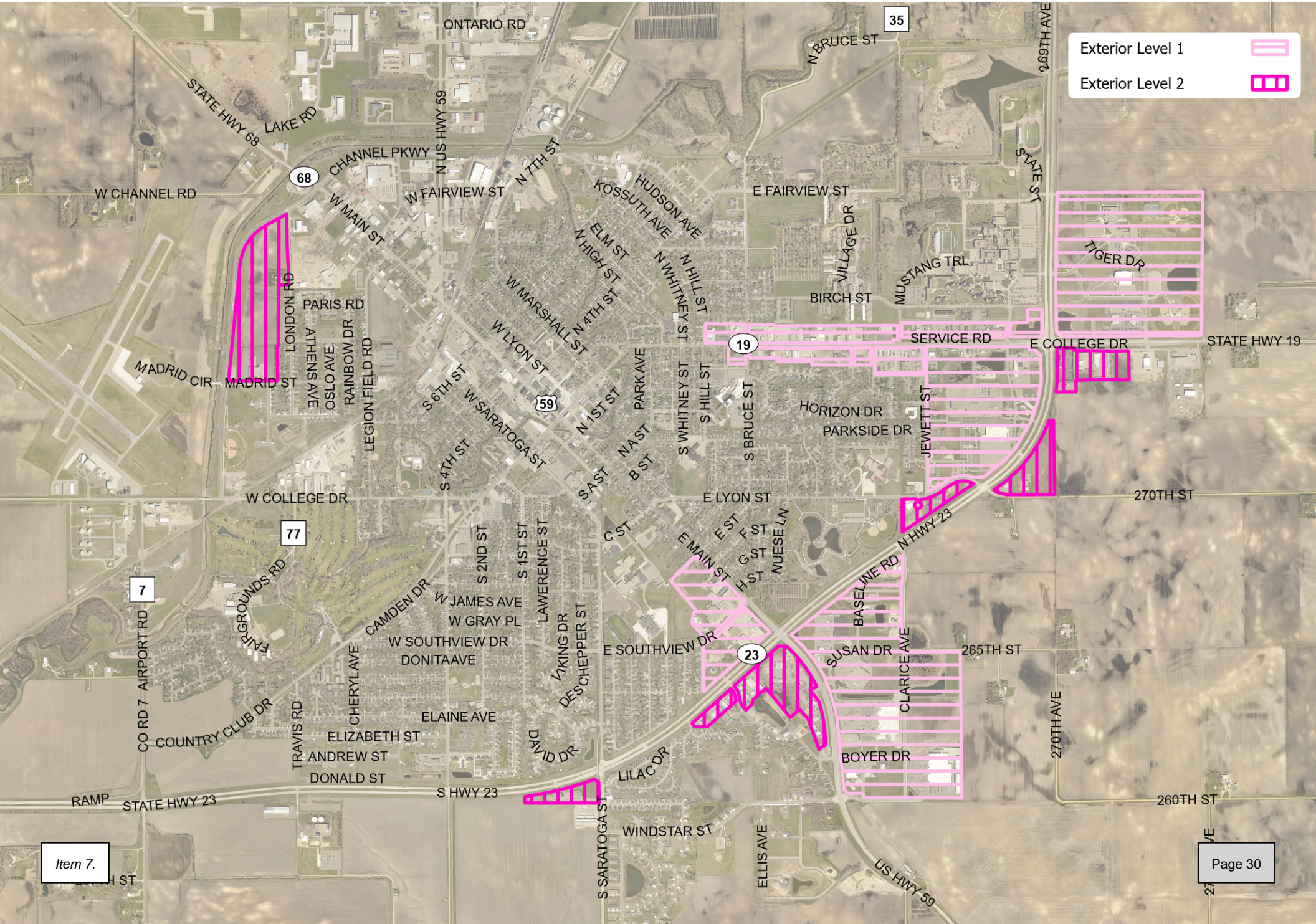
- Building façade shall include all elevation planes offset by 50 feet or less from the plane closest to a street.
- At least two different materials shall be utilized in front building elevations for buildings with two or more stories.
- Windows and/or door openings shall constitute at least 10% of the front building elevation length.
- Exterior roof surface materials visible from the ground shall not utilize any kind of metal panels with exposed fasteners, membrane, roll, or spray type roofing.
- Any front building elevation that is longer than 75 feet (150 feet in Level 2 areas) shall have an architectural feature interrupting monotony of the façade.
- Any roof visible from the ground within 100 feet that is longer than 100 feet (150 feet in Level 2 areas) shall have an architectural feature interrupting its monotony.
- Accessory buildings' exterior materials and colors shall match material(s) of the main building located on site; accessory buildings located in the front yard shall comply with relevant requirements for the main building.
- Garbage enclosures and other enclosures and fences shall match colors of the main building.
- All roof mounted mechanical equipment units exceeding three feet in height and four feet in horizontal dimension and visible from the ground within 100 feet shall be screened from the ground level view. All exterior ground-set mechanical equipment units exceeding four feet in height and four feet in horizontal dimension shall be fully concealed on all sides.
- All exterior modification/remodeling projects involving over 50% of a building façade must meet new requirements.
- Chains with typical design used for more than 75% of their locations may be exempted even if that typical design does not fully comply with the Standards.
- Staff may approve new or innovative materials similar to listed above based on applicant's provided comparability statement and technical information. Staff may also allow deviation from the material coverage requirements by up to 10% for a good cause. All other departures from the Ordinance must go through a variance process.

Comments:

For all practical purposes, only horizontal vinyl siding, vertical wood siding, vertical metal siding, and plain concrete block are not on either of the permitted exterior materials list. Right now, horizontal metal siding is Class II, but I am not sure if it should be there; maybe, it should not be permitted, just like horizontal vinyl siding.

Over two thirds of existing buildings in designated areas will meet the above requirements (at least, their front elevations).

City of Marshall Exterior Standards Overlay Districts Map



CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Steven Anderson
Meeting Date:	Tuesday, February 25, 2025
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Amending Chapter 22 Mobile Food Units
Background Information:	<p>The proposed amendments are to clarify questions that have been generated by various food truck vendors. In practice, many mobile food units don't receive written permission from private businesses, and it is usually verbal. If a situation were to arise regarding the placement of a mobile food unit it would be up to the private property owner to resolve.</p> <p>There were also questions on the use of public property and the public right of way. The ordinance does specify that mobile food units may only operate in:</p> <ul style="list-style-type: none"> • Commercial and industrial districts on <u>private</u> property • Special events or community festivals designated by the city • City parks or parking lots adjacent to parks with permission from the Parks Department • On the property of a private residence for catering not open to the public <p>However, there are portions of the ordinance that mention the public right of way in relation to the approved locations that caused mobile food vendors to believe that the public right of way and public parking lots were available to use.</p>
Fiscal Impact:	
Alternative/ Variations:	
Recommendations:	To recommend the amendments of Chapter 22 Article IV Mobile Food Units be recommended to move to a regular meeting of the city council for consideration.

**CITY OF MARSHALL
ORDINANCE MOBILE FOOD**

**AN ORDINANCE AMENDING CHAPTER 22 ARTICLE IV MOBILE FOOD UNITS
AND FOOD CARTS**

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

SECTION 1: AMENDMENT “Section 22-93 License Requirement” of the Marshall Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Section 22-93 License Requirement

- (a) *Type of license.* No person or business shall conduct business as either a mobile food unit or food cart without first obtaining a license from the city. An annual license allows mobile food unit or food cart operations in the city for any number of days within the license period. A temporary license allows mobile food units or food carts to operate for a period less than seven (7) days in a calendar year. An annual license may be issued with no fee to a brick-and-mortar restaurant located within the City of Marshall as defined under Minn. Stat. ch. 157 or Minn. Stat. ch. 28A.
- (1) Mobile food units or food carts operating ~~at under a special event permit issued by the city or as~~ a community festival designated by the city are exempt from license requirements at the location, and for the duration of the ~~event or~~ festival provided that vendors are covered by the community festival and are otherwise compliant with the Minnesota Department of Health.
- (2) Mobile food units or food carts participating in the Lyon County Fair at the Lyon County Fairgrounds are exempt for the duration of the Lyon County Fair.
- (b) *License fees.* Fees for annual licenses are set forth in the city's fee schedule.
- (c) *Application information requirements.* An applicant must complete the application and provide all required information to the city clerk. An application shall be filed, along with the required fee, with the city clerk. The applicant must be the owner of the mobile food unit or food cart. The application shall be made on a form supplied by the city and shall contain information requested by the city, including the following:
- (1) Name of the owner and operator, if different than the owner, of the mobile food unit or food cart and permanent and temporary home and business addresses;
- (2) A description of the nature of the business, the goods to be sold and the license plate number and description for any motorized or unmotorized vehicle to be used in conjunction with the activity;
- (3) A phone number and email address of the applicant, with a designation of a

- preferred mailing address for notices related to the license;
- (4) The name, address and contact information for the brick-and-mortar restaurant with which the mobile food unit or food cart is affiliated, if applicable;
 - (5) A certificate of insurance by an insurance company authorized to do business in the State of Minnesota which meets the following requirements:
 - a. Commercial general liability insurance, with a limit of not less than \$1,000,000.00 each occurrence. If such insurance contains an annual aggregate limit, the annual aggregate limit shall be not less than \$2,000,000.00;
 - b. Workers compensation insurance (statutory limits) or evidence of exemption from state law;
 - c. The city shall be endorsed as an additional insured on the certificate of insurance and the umbrella/excess insurance if the applicant intends to operate its mobile food unit or food cart on public property; and
 - d. A provision requiring notification be sent to the city should the policy be cancelled before its stated expiration date.
 - ~~(6) If the mobile food unit or food cart is located on private property, then written consent of the private property owner(s) is required;~~
 - ~~(7) If the mobile food unit or food cart will be located on city property or public right-of-way, a signed statement that the licensee shall hold harmless the city and its officers and employees, and shall indemnify the city and its officers and employees for any claims for damage to property or injury to persons which may be occasioned by any activity carried on under the terms of the license;~~
 - (8) A copy of each related license or permit, if applicable, issued by the State of Minnesota required to operate a mobile food unit or food cart; and,
 - (9) A copy of the applicant's state sales tax ID number.

SECTION 2: AMENDMENT “Section 22-94 Conditions Of Operating” of the Marshall Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Section 22-94 Conditions Of Operating

A mobile food unit or food cart may only operate if compliant with the following:

- (a) *Locations.* A mobile food unit or food cart may only operate in the locations set forth in this subpart. A mobile food unit or food cart must be placed on either concrete or bituminous surfaces unless otherwise approved by the city and may operate:
 - (1) In commercial and industrial zoning districts on private property with ~~written~~ consent of the private property owner.
 - (2) In residential zoning districts, if the mobile food unit or food cart is on or

directly adjacent private property operating for private catering purposes (sales not open to the general public) with the consent of the private property owner, unless the mobile food unit is an Ice Cream Truck as defined herein. Ice Cream Trucks may operate in the public right of way of residential zoning district.

- (3) At special events permitted by the city or community festivals designated by the city council.
- (4) In a city park or on city property with the prior written approval of the city; additional permits may be required for such operations.
- (b) Ice Cream Trucks. Ice Cream Trucks are defined as a type of mobile food unit utilized as the point of retail sale of pre-packaged ice cream, frozen yogurt, frozen custard, flavored frozen water, or similar frozen dessert products.
 - (1) Ice Cream Trucks are subject to the same performance standards as a mobile food unit or food cart. Ice Cream Trucks may operate within the public right of way of residential zoning districts, but may not be stationary when vending within said public right of way for a period of more than ten minutes.
- (c) *Performance standards.* A mobile food unit or food cart licensee is subject to the following performance standards.
 - (1) Applicable license fee shall be paid.
 - (2) A mobile food unit or food cart shall be operated in strict compliance with the laws, rules and regulations of the United States, State of Minnesota and the City of Marshall.
 - (3) Wastewater may not be drained into city storm water drains.
 - (4) A mobile food unit or food cart shall provide and maintain at least one clearly designated waste container for customer use per each food cart or mobile food unit. The operator of a mobile food unit or food cart is responsible for daily removal of trash, litter, recycling and refuse. Public trash cans shall not be used to dispose of waste generated by the operation. The operator shall provide a garbage receptacle with a tight-fitting lid. The receptacle shall be easily accessible for customer use and located within five feet of the unit.
 - (5) If a mobile food unit must provide a power supply it shall be screened from public view and comply with pertinent city noise regulations.
 - (6) A mobile food unit or food cart may operate between 7:00 a.m. and 10:30 p.m. and if issued a special event permit may operate between 10:30 p.m. to 1:30 a.m. in designated areas, and must not create any unnecessary noise, disturbances or disrupt public traffic or safety in any way. An exemption to hours may be authorized by city council on a per event basis.
 - (7) A mobile food unit or food cart shall be allowed to set up one hour prior to conducting food vending and shall exit from the site within one hour of the close of conducting business.
 - a. A mobile food unit or food cart operating under a special event permit may remain overnight at the location and for the duration of a special event or community festival permitted or designated by the city.
 - (8) A mobile food unit or food cart may have a maximum footprint of 300 square feet unless otherwise approved by the city.

- ~~(9) If a mobile food unit or food cart are operating in the public right-of-way, interactions between a mobile food unit or food cart and a consumer must take place between the mobile food unit or food cart and the curb away from traffic.~~
- (10) Mobile food units cannot obstruct the movement of pedestrians or vehicles or pose a hazard to public safety.
- ~~(11) A mobile food unit or food cart must not occupy more than two parallel parking spots or no more than four diagonal/horizontal parking spots if operating within the public right-of-way.~~
- (12) Operators must clean around their mobile food unit or food cart at the end of each day and the mobile food unit or food cart must be kept in good repair and have a neat appearance.
- (13) A mobile food unit or food cart operator must be licensed by the Minnesota Department of Health and Proof of the Minnesota Department of Health licensing must be provided and posted on the mobile food unit or food cart.
- (14) A mobile food unit or food cart must comply with any applicable fire department food truck requirements.
- (15) An out of service mobile food unit or food cart stored within the city must comply with all applicable ordinance requirements.
- (16) A mobile food unit or food cart may operate on private property in any residential zoned districts for a "one-time" event for catering purposes only.
- (17) A mobile food unit or food cart may not operate within 100 feet from the public entrance to any restaurant and/or any portion of a restaurant's outdoor dining area during that restaurant's hours of operation unless the licensee obtains written permission from the restaurant owner/manager or within 500 feet from the perimeter of a city designated festival or special event that was permitted by the city.
- (18) A mobile food unit or food cart may not operate in city-owned parking lots, except those parking lots adjacent to or inside a city park with the prior written approval of the city.
- (d) *Non-transferable license.* A mobile food unit or food cart license is non-transferable. Proof of all required licenses shall be displayed at all times in the mobile food unit or food cart.
- (e) *Practices prohibited.* It is unlawful for any person engaged in the business of a mobile food unit or food cart operation to do any of the following:
- (1) Call attention to that licensee's business by crying out, blowing a horn, ringing a bell, loud music or by any loud or unusual noise;
 - a. Mobile food units or food carts that are not stationary longer than 10 minutes are exempt, but must follow applicable ordinance Section 42-89 Loud Noises.
 - b. Ice Cream Trucks may play music or use bells as long as either complies with Section 42-89.
 - (2) Fail to display proof of license and produce valid identification when requested;
 - (3) Leave a mobile food unit or food cart unattended or at an authorized location

outside allowed hours of operation;

a. A mobile food unit or food cart may be exempt from this requirement following sec. b (7) a.

- (4) Operate the mobile food unit or food cart in or on public sidewalks or trails;
- (5) Allow a mobile food unit or food cart to remain on the property of another when asked to leave;
- (6) Obstruct the ingress or egress from commercial buildings during the building hours of operation;
- (7) Claim endorsements by the city;~~or~~
- (8) Conduct business in any manner as to create a threat to the health, safety, and welfare of a specific individual or the general public;~~;~~ or
- (9) Operate in the public right-of-way unless allowed under a special event permit or at a community festival designated by the city.

(Ord. No. 744 2nd series, § 1, 10-22-2019)

SECTION 3: **EFFECTIVE DATE** This Ordinance shall take effect after its passage and publication.

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