



CITY OF MARSHALL
Legislative & Ordinance Committee
A g e n d a
Tuesday, September 10, 2024 at 2:00 AM
344 W. Main St., City Hall

APPROVAL OF AGENDA

APPROVAL OF MINUTES

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

OLD BUSINESS

- [2.](#) Amendments to Ch 74-261 Operation of Motorized Golf Cart, All-Terrain Vehicles, or Mini-Trucks

NEW BUSINESS

- [3.](#) Amendments to Ch. 14 Animals
- [4.](#) Amendments to Ch. 6 II-2 Intoxicating Liquor
- [5.](#) Minnesota Energy Resources Repeal of Section 22-213 Purchase by City
- [6.](#) Ordinance Amendment to Chapter 86, Article IV, Section 86-97 One Family Residence District.
- [7.](#) Ordinance Amendment to Chapter 86, Article II-1, Section 86-31 Prohibited uses
- [8.](#) Ordinance Amendment to Chapter 86, Article VI-1, Section 86-165 Structures in Residential Districts.
- [9.](#) Amendments to Ch. 22 VIII Licensing and Registration Requirements for the Sale of Intoxicating Cannabinoid Products

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, September 10, 2024
Category:	APPROVAL OF MINUTES
Type:	ACTION
Subject:	Consider Approval of the Minutes
Background Information:	Enclosed are the minutes from the previous meeting.
Fiscal Impact:	
Alternative/ Variations:	Staff encourages Members to provide any suggested corrections to the minutes in writing to City Clerk, Steven Anderson, prior to the meeting.
Recommendations:	That the minutes from the previous meeting be approved as filed with each member and that the reading of the same be waived.

CITY OF MARSHALL
LEGISLATIVE AND ORDINANCE COMMITTEE
MINUTES
Tuesday, May 14, 2024

MEMBERS PRESENT: James Lozinski, See Moua-Leske and Steve Meister
MEMBERS ABSENT: None
STAFF PRESENT: Sharon Hanson, City Administrator; Pamela Whitmore, City Attorney (via Zoom); Jason Anderson, Director of Public Works/ City Engineer; Jim Marshall, Director of Public Safety; E.J. Moberg, Director of Administrative Services; Eric Luther, Liquor Store Manager; Ilya Gutman, Plans Examiner; and Steven Anderson, City Clerk.
OTHERS PRESENT: None

At 4:00 PM Chair Lozinski called the meeting to order.

Consider Approval of the Minutes

No changes or amendments were requested of the minutes.

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

Registration Requirements for Intoxicating Cannabinoid Products

Attorney Whitmore introduced the new version of the registration ordinance. The main goal was to make the ordinance simple, clarified the definition of “moveable place of business”, changed the 1,000-foot buffer zone from the main building of schools to 500 feet, and to allow an unlimited number of low-level edible THC registrations. Luther questioned how the license would be implemented and Moberg asked when the effective date would take effect. Whitmore clarified that this was for registration, not a license and normal ordinance processes would have to be followed with an introduction and final passage. The Planning Commission would need to hold a public hearing for the ordinance changes that involve zoning provisions.

Motion made by Meister, seconded by Moua-Leske to recommend the ordinance move forward with its introduction. All voted in favor.

Ch 74-261 Operation of Motorized Golf Cart, All-Terrain Vehicles, or Mini-Trucks

Clerk Anderson provided background information on the proposed amendments and gave comparable city size data on who allowed golf cart use on city roads. Moua-Leske asked if the Marshall Golf Club allowed personal gold carts. The group indicated they did not believe that the golf course allowed personal carts or had trail fees. Meister questioned what the definition of a vehicle should be as it applies to the ordinance, since there are now motorized scooters, electric assisted bicycles, and motorized wheelchairs that are on roads and sidewalks. Members discussed various pros and cons, possible limitation on times of the year and prohibited locations/streets. Lozinski stated that he would like to see letters of support to allow golf carts or more discussion from citizens about the topic.

Motion made by Lozinski, seconded by Meister to table the item until more citizen advocates come forward to express their opinion on the ordinance.

Other Business Items

Zoning Ordinance Application Beyond City Limits

Gutman said that there are several Orderly Annexation areas around the City of Marshall where the city has a legal authority to enforce its zoning ordinance within two miles of city limits based on Minnesota Statutes and agreements with surrounding townships. The intent of the statute was to allow cities to control surrounding areas for future growth to prevent multiple non-conforming uses within city limits when areas are annexed and to generally follow the comprehensive plans. The expansion of city power beyond its borders applies to zoning regulations only and historically, the city has never applied the use of the statute. Enforcing zoning ordinance within two miles would require a special council resolution, and cooperation from the County. The only location outside of the city limits that had been rezoned

from Agricultural (a district assigned to all orderly annexation areas and all newly annexed areas) was a small area located north of the diversion channel and west of Highway 68 North. Wind Towers and their rapid spread had caused concern and a new urgency to consider expanding zoning ordinance regulations outside of the city limits. They had been built rapidly in the Southwest Minnesota region, but they can also be a source of reduced quality of life for people living in their vicinity due to noise, appearance, bird deaths, and other issues. The city may be interested in keeping them away from the city and its vicinity. Combined with adding commercial wind towers to prohibited uses in Section 86-31, this expansion of Zoning regulations beyond City limits may be a change to be considered by the L&O to start the process. Director Anderson said he was approached by a wind tower developer, and they had inquired about the zoning for the city and surrounding areas. The members mentioned the possibility of having John Biren with the Lyon County Planning and Zoning Department be brought into the conversation. Director Anderson said that he had previously spoken with Biren about the wind towers.

The Committee agreed that a conversation with county staff would be a good next step before any action was taken.

Backyard Chickens

Member Lozinski mentioned that several citizens have brought up discussion on backyard chickens and would like some research done to see how feasible such an ordinance would be in Marshall. Hanson indicated that her summer intern, Stephen Zimmer, was tasked with the research and was provided with model ordinances from Attorney Whitmore.

At 4:47 PM a motion was made by Meister, Seconded by Moua-Leske to adjourn the meeting. All voted in favor.

Respectfully Submitted,

Steven Anderson
City Clerk

CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Steven Anderson
Meeting Date:	Tuesday, September 10, 2024
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Ch 74-261 Operation of Motorized Golf Cart, All-Terrain Vehicles, or Mini-Trucks
Background Information:	<p>The Legislative & Ordinance Committee on June 27, 2023 requested to discuss the possibility of adding Golf Carts as an allowable vehicle in Marshall and decided to bring the item to a Work Session for additional input from the full council. During the August 8, 2023 Work Session council directed staff to look at amendments to the ordinance and the application process with changes brought to L&O. Amendments were brought to the L&O Committee during a meeting on October 31, 2023 and after discussion the item was tabled. On May 14, 2024 the topic was brought up again where pros and cons were weighed. Ultimately the ordinance was tabled with the suggestion that citizens come forward to push the topic.</p> <p>Golf Carts would be allowed to operate on the same roads as UTVs and would have the following restrictions:</p> <ul style="list-style-type: none"> • Seatbelts for all occupants • Headlights • Taillight • Turn signals • Driver side mirror and passenger mirror/rearview mirror • Slow moving emblem
Fiscal Impact:	
Alternative/ Variations:	
Recommendations:	Provide feedback and direction on the ordinance.

**CITY OF MARSHALL
ORDINANCE GOLF**

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

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

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

AMENDMENT

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

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

AMENDMENT

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

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

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

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

AMENDMENT

Section 74-262 Required

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

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

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

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

AMENDMENT

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)

SECTION 8: **EFFECTIVE DATE** This Ordinance shall take effect after its passage and summary 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

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

169.522 SLOW-MOVING VEHICLE, SIGN REQUIRED.

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

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

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

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

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

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

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

169.045 SPECIAL VEHICLE USE ON ROADWAY.

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

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

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

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

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

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

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

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

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

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

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

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

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

CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Steven Anderson
Meeting Date:	Tuesday, September 10, 2024
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Amendments to Ch. 14 Animals
Background Information:	<p>At the request of the L&O Committee staff had researched various chicken ordinances. When determining the appropriate section, it was found that Chapter 14 Animals was also in need of updates. Sections of the zoning ordinance allowed for pet shops, but under Chapter 14 unless it was a domesticated dog, cat or rabbit virtually no animals of any kind were allowed to be owned, kept or sold within city limits.</p> <p>Clean up of the dog and cat license process was needed as well to match current practices.</p> <p>After review of other cities with chicken ordinances a few variations will be presented in regard to the number of hens, setbacks and renewal periods.</p>
Fiscal Impact:	
Alternative/ Variations:	To not recommend the amendments of Ch. 14 proceed to full council discussion.
Recommendations:	To recommend the amendments of Ch. 14 Animals be introduced at the next regular council meeting.

**CITY OF MARSHALL
ORDINANCE BACKYARD CHICKENS**

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

SECTION 1: AMENDMENT “Section 14-1 Definitions” of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 14-1 Definitions

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

(a) *Animals* mean ~~cattle, horses, mules, sheep, goats, swine, ponies, ducks, geese, turkeys, chickens, guinea hens, dog, cats, and all other animals and feathered fowl; provided, however, that this definition shall extend to this chapter only.~~ any mammal, reptile, amphibian, fish, bird (including all fowl and poultry). Animals shall be classified as follow:

(1) *Domestic*: Those animals commonly accepted as domesticated household pets. Unless otherwise defined, such animals shall include dogs, cats, caged birds, gerbils, hamsters, guinea pigs, ferrets, domesticated rabbits, domesticated rats, fish, and non-venomous reptiles and amphibians.

(2) *Wild or Exotic*: Those animals commonly considered to be naturally wild or not naturally trainer or domesticated, or which are commonly considered to be inherently dangerous to the health, safety, and welfare of people. Unless otherwise defined, such animals shall include:

- a. Any member of the large cat family (family felidae) including lions, tigers, cougars, bobcats, leopards, and jaguars, excluding commonly accepted domesticated house cats.
- b. Any naturally wild member of the canine family (family canidae) including wolves, foxes, coyotes, dingoes, and jackals, excluding commonly accepted domesticated dogs.
- c. Any crossbreeds unless the crossbreed is commonly accepted as a domesticated house pet.
- d. Any member or relative or the rodent family including any skunk, raccoon, or squirrel, excluding those members otherwise defined as Domestic.
- e. Any venomous, or inherently dangerous member of the reptile or amphibian families including crocodiles and alligators.
- f. Any other animal which is not explicitly listed above but which can be reasonably defined by the terms of this Section, including but not

limited to bears, deer, monkeys and game fish.

(3) Farm: Those animals commonly associated with a farm or performing work in an agricultural setting. Unless otherwise defined, such animals shall include members of the equidae family, bovidae family, camelidae family, suidae family, poultry, fowl, and bees.

- (b) *Animal control authority* means the director of public safety or his designated representative.
- (c) *Animal shelter* means facility operated for the purpose of impounding or caring for animals held under the authority of this Code.
- (d) *At large* means off the premises of the owner and not under restraint.
- (e) *Cat* means any domestic feline animal (*Felis domesticus*) male, female, sexed or neutered.
- (f) *Dangerous animal* means any ~~live, domestic or wild~~ animal that has:
- (1) Without provocation, inflicts substantial bodily harm upon a human being on public or private property;
 - (2) Killed a domestic animal without provocation; or
 - (3) Been found to be potentially dangerous, or after the owner has been notified that the animal is potentially dangerous, the animal aggressively bites, attacks, or endangers the safety of humans or domestic animals.
- (g) ~~Designated veterinarian means a veterinarian licensed to practice veterinary medicine in the state, who has a practice located within the city, and who has agreed to act as an agent of the city for the purpose of selling dog and cat licenses.~~
- (h) *Dog* means any domestic animal (*Canis familiaris*) male or female, sexed or neutered.
- (i) *Has been bitten* means has been seized with the teeth or jaws, so that the skin of the person or animal seized has been nipped or gripped, or has been wounded or pierced, including scratches, and includes probable contact of saliva with a break or abrasion of the skin as determined by a licensed physician. The term "has been bitten" shall also include contact of saliva with any mucous membrane.
- (j) *Own* means keep, harbor or have control, charge or custody of an ~~animal~~ ~~dog or cat~~. This term shall not apply to ~~animals~~ ~~dog or cats~~ owned by others which are temporarily maintained on the premises of a veterinarian or kennel operator for a continuous period of less than 30 days.
- (k) *Owner* means any person, partnership or corporation owning, keeping, harboring or having charge or control of, or permitting any animal to habitually be or remain on, or be lodged or fed within such person's house, yard, or premises. This term shall not apply to veterinarians or kennel operators temporarily maintaining on their premises ~~animals~~ ~~dogs and cats~~ owned by others for a continuous period of less than 30 days. An animal is deemed harbored if it is fed or sheltered for three consecutive days or more.
- (l) *Potentially dangerous animals* means any animal that has:
- (1) When unprovoked, bites a human or domestic animal;
 - (2) When unprovoked, chases or approaches a person upon the public streets, sidewalks, or any public property in an attitude of attack; or
 - (3) Has a known propensity, tendency or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic

animals, as documented by law enforcement.

- (m) *Public nuisance* means an act or failure to perform a legal duty by an animal owner.
- (n) *Rabies control authority* means the animal control authority.
- (o) *Restraint* means any animal secured by a leash or lead or within the real property limits of its owner.
- (p) *Substantial bodily harm* means bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or which causes a fracture of any bodily member.
- (q) *Vaccination against rabies* means the inoculation of a dog or cat with a rabies vaccine licensed for the species by the United States Department of Agriculture and recommended in the current Compendium of Animal Rabies Vaccines prepared by the National Association of State Public Health Veterinarians. (Wherever cat rabies is a problem, officials should include cats). Such vaccination must be performed by a veterinarian duly licensed to practice veterinary medicine in the state or in a state where the practice is located.

(Ord. No. 591 2nd series, § 1, 4-21-2008)

Cross reference(s)—Definitions generally, § 1-2.

SECTION 2: **AMENDMENT** “Section 14-2 General Regulations” of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 14-2 General Regulations

- (a) No persons shall rob, injure or destroy any birds' nests within the limits of any park or parkway within the corporate limits of this municipality, nor aim or discharge any air gun, slingshot or other weapon, or throw any stone or other missile at any bird or bird's nest or wild animal within a park or parkway within the corporate limits of this municipality, nor in any manner capture or kill any bird or wild animal therein.
- (b) It is unlawful for any person to keep any animal, not in transit, in any part of the city ~~not permitted by the zoning code~~ except:
 - (1) ~~for-d~~ Domestic pets which shall be kept for personal use only;
 - (2) Farm animals as permitted in the agricultural zoning district defined in Chapter 86;
 - (3) Farm, domestic, wild or exotic animals kept for display, exhibition, performance, or contest at the Lyon County Fairgrounds; or as part of a show, exhibition, or event for a period not to exceed 48 hours;
 - (4) Animals used in a parade which a city permit had been issued;
 - (5) Animals kept in a laboratory for scientific purposes;

(6) Domestic and Farm animals kept for retail sale in a business establishment located in a zoning area permitted under Chapter 86;

(7) Chickens as permitted under Article 14-V.

- (c) It is unlawful for any person to keep any animals in any structure infested by rodents, vermin, flies or insects.
- (d) No persons shall at any time set, lay, prepare or have in possession any trap, snare, artificial light, net, bird line, ferret or other contrivance for the killing, capturing or taking of any bird or wild animal within any park or parkway within the corporate limits of this municipality.
- (e) No person shall allow, permit or place any animal upon any public ~~park, bike path or foot bridge, or upon any grass, turf, boulevard, city park, cemetery, garden or~~ private property, without the specific permission from the owner. The restrictions of this subsection do not prohibit the appearance of any dog or cat upon streets or public property when the dog or cat is on a leash or under the control of the person charged with its care.
- (f) No person shall allow or permit any animal to defecate upon any public park, bike path or foot bridge, or upon any grass, turf, boulevard, city park, cemetery, garden or private property, without specific permission from the owner, unless any and all excrement is immediately removed and disposed of in a sanitary manner by the person charged with the animal's care. Any person having custody or control of any animal when such animal is upon any of the places or areas described in this subsection to have in his possession a device or equipment for excrement removal.
- (g) All owners must provide proper nourishment, including water and food for their animals. Owners must maintain their property in a sanitary condition and must clean up and dispose of animal waste in a reasonable time so as to protect the public health safety and a general welfare.

(Ord. No. 591 2nd series, § 1, 4-21-2008)

SECTION 3: AMENDMENT “Section 14-3 Prohibited Animals” of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 14-3 Prohibited Animals

No person, corporation, or business shall keep, maintain, offer for sale or harbor within the city farm, wild or exotic animals unless allowed under Article 14-V or Section 14-2, ~~any of the following animals:~~

- ~~(a) Any animal or species prohibited or regulated by state or federal law.~~
- ~~(b) Any member, hybrid or crossbreeds and offspring from all subsequent generations of the cat family (felid) including but not limited to lions, tigers, cougars, bobcats,~~

- leopards, and jaguars, but excluding those recognized as domesticated house cats.
- (e) ~~Any naturally wild member, hybrid or crossbreeds and offspring from all subsequent generations of the canine family (canid) including but not limited to wolves, foxes, coyotes, dingoes, and jackals, but excluding those recognized as domesticated dogs.~~
 - (d) ~~Any member or relative of the rodent family including but not limited to skunks (whether or not descended), raccoons or squirrels. Any poisonous, venomous, constricting or inherently dangerous member of reptile or amphibian families, crocodiles and alligators, except when confined to the owner's residence.~~
 - (e) ~~Any, monkeys, apes, gorillas, or lemurs. Any bees, chinchillas or mink. Rabbits kept and maintained for breeding, production, or any other use excluding those recognized as domesticated pets. Any other animal that is not explicitly listed in this section which can be reasonable defined by the terms of this section.~~

~~Any farm animals including but not limited to cattle, oxen, buffalo, sheep, mules, goats, pigs, or other hoofed animals, chickens, ducks, geese, turkeys, pheasants, or other fowl, except as permitted in the agricultural zoning district defined in chapter 86.~~

(Ord. No. 615 2nd series, § 1, 10-27-2009)

SECTION 4: AMENDMENT “Section 14-21 Vaccination Of Dogs And Cats” of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 14-21 Vaccination Of Dogs And Cats

- (a) All dogs and cats three months of age and older shall be vaccinated against rabies. All unvaccinated dogs and cats acquired or moved into the city must be vaccinated within 30 days after purchase or arrival unless under three months of age, as specified in this section. Every dog and cat shall be revaccinated for rabies every 12 months. When a dog or cat is vaccinated with a vaccine that lasts longer than 12 months, it shall not have to be revaccinated during the period of the vaccine.
- (b) It shall be the duty of each veterinarian, when vaccinating any dog or cat, to complete a certificate of rabies vaccination (in triplicate) for each animal vaccinated. The certificate shall include the following information:
 - (1) Owner's name and address.
 - (2) Description of dog or cat (breed, sex, markings, age, name).
 - (3) Date of vaccination.
 - (4) Rabies vaccination tag number.
 - (5) Type of rabies vaccine administered.
 - (6) Manufacturer's serial number of vaccine.

~~Distribution of copies of the certificate shall be: The original will be forwarded to the rabies control authority, the first copy will be given to the owner, and the second copy~~

~~will be retained by the issuing veterinarian. The veterinarian and the owner shall retain their copies for the interval between vaccinations.~~

A durable metal or plastic tag, serially numbered, issued by the City Clerk~~rabies control authority~~, shall be securely attached to the collar or harness of the dog or cat. Whenever the dog or cat is out of doors, whether on or off the owner's premises, the collar or harness with the vaccination tag must be worn.

- (c) The cost of rabies vaccination shall be borne by the owner of the dog or cat.
- (d) *Transient dogs or cats.* The provisions of this article with respect to vaccination shall not apply to any dog or cat owned by a person temporarily remaining within the city for less than 30 days, or any dog brought into the city for field trial or show purposes, nor for hunting dogs in the state for less than 30 days. Such dogs shall be kept under strict supervision of the owner. However, it shall be unlawful to bring any dog or cat into the city which does not comply with the animal health laws and import regulations of the state, which are applicable to dogs or cats.
- (e) It is recommended that organized shows and field trials require current rabies vaccination as a prerequisite of registration.

(Ord. No. 591 2nd series, § 1, 4-21-2008)

SECTION 5: **AMENDMENT** “Section 14-47 Dog And Cat Licenses” of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 14-47 Dog And Cat Licenses

- (a) All dogs and cats over the age of three months, kept, harbored or maintained by their owners in the city, must be licensed with the city. ~~Licenses may be purchased through any designated veterinarian or the city clerk.~~ No license shall be granted for a dog or cat which has not been vaccinated pursuant to this chapter. The licensing provisions of his section shall not apply to dogs or cats whose owners are nonresidents temporarily within the city, commercial retailers, nor to dogs or cats brought into the city for the purpose of participating in any dog or cat show.
- (b) Applications for a dog or cat license shall be obtained through ~~a designated veterinarian or~~ the city clerk, on an application form supplied by the city, and shall state the owner's name and address, and the name, breed, color and sex of each dog or cat owned or kept by the owner. All applications shall be accompanied by a certificate of vaccination stating the dog or cat has been vaccinated according to the terms of this chapter.
- (c) ~~The city clerk shall provide all designated veterinarians with dog and cat licenses.~~ Upon receiving a valid application ~~and the licensing fee, a designated veterinarian or~~ the city clerk shall issue to the owner a license and a receipt. The license tag will have a prestamped registration number. The term of the license shall coincide with the

duration of the rabies vaccination tag period. The pre-numbered license tag shall correspond to the receipt issued for the license. All licensed dogs and cats must wear a collar, with the tags firmly affixed to it, as evidence of such license for the current rabies vaccination period. ~~A duplicate for a lost tag may be issued by a designated veterinarian or city clerk upon presentation of the receipt showing the payment of the license fee for the current rabies vaccination period, and payment of a fee as designated by city council.~~ License tags are not transferable, ~~and no refunds made on any dog or cat license fee because of leaving the city or death of the dog or cat before expiration of the license.~~

- ~~(d) All dog and cat licenses shall expire on the date the rabies vaccination expires. The license fee for all dogs or cats shall be set by the city council. Fees received by the city clerk and designated veterinarians for dog and cat licenses and tags must be forwarded to the city clerk and used as designated by the city council.~~

(Ord. No. 591 2nd series, § 1, 4-21-2008)

SECTION 6: AMENDMENT “Section 14-49 Public Nuisance” of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 14-49 Public Nuisance

It is unlawful to own or keep an animal which is a nuisance to the public. It is unlawful for an animal owner to act or fail to perform a legal duty where:

- (a) An animal owner intentionally maintains or permits a condition which unreasonably annoyed, injured, or endangered the safety, health, comfort, or repose of any member of the public;
- (b) An animal habitually worries, chases, or molests teams or persons traveling peaceably on the public road is a public nuisance ~~passersby or passing vehicles;~~
- (c) An animal ~~A~~ attacks other animals unprovoked;
- ~~(d) Is repeatedly at large; or~~
- (e) ~~Damages private or public property~~ An animal damages plantings or structures or defecates on public property or on private property without the consent of the owner or possessor of the property shall be deemed a public nuisance.

(Ord. No. 591 2nd series, § 1, 4-21-2008)

SECTION 7: AMENDMENT “Section 14-71 Potentially Dangerous And Dangerous Animals” of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 14-71 Potentially Dangerous And Dangerous Animals

(a) *Potentially dangerous animals.*

- (1) It is unlawful to own or keep an animal which is potentially dangerous to persons or property; provided, however, that the council may issue a special permit for keeping dog used for safety purposes. ~~An animal is deemed potentially dangerous if the following criteria are met:~~
 - a. ~~When unprovoked, inflicts bites on a human or domestic animal on public or private property;~~
 - b. ~~When unprovoked, chases or approaches a person, including a person on a bicycle, upon the streets, sidewalks, or any public or private property, other than the animal owner's property, in an apparent attitude of attack; or~~
 - c. ~~Has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.~~
- (2) If an animal has been declared potentially dangerous, the owner must adhere to the following provisions within 14 days of the declaration:
 - a. The owner must post on the premises where the animal is kept, a clearly visible warning sign, including a warning symbol to inform children that there is a potentially dangerous animal on the property.
 - b. If the animal is outside of a proper enclosure as defined by Minn. Stat. § 347.50, the animal must be restrained by a substantial leash, muzzled, and under the physical restraint of the responsible person.

(b) *Dangerous animals.* It is unlawful to own or keep an animal that is dangerous to persons or property; provided, however, that the council may issue a special permit for keeping dog used for safety purposes. ~~An animal is deemed dangerous if the following criteria are met:~~

- ~~(1) Without provocation, inflicted substantial bodily harm on a human being on public or private property;~~
- ~~(2) Killed a domestic animal without provocation while off the owners' property;~~
~~or~~
- ~~(3) Been declared to be potentially dangerous, and after the owner has notice that the animal is potentially dangerous, the animal aggressively bites, attacks, or endangers the safety of humans or domestic animals~~

(Ord. No. 591 2nd series, § 1, 4-21-2008)

SECTION 8: **AMENDMENT** “Section 14-76 Enforcement” of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 14-76 Enforcement

The civil and criminal provisions of this chapter must be enforced by those persons or agencies designated by the director of public safety. When taking action on any citation issued under this section, the city shall provide written notice of the violation in accordance with the administrative citation procedure set forth under Chapter 2 Article VII in the City of Marshall City Code. An owner may appeal pursuant to the administrative procedure process set forth in Section 2-409.

(Ord. No. 591 2nd series, § 1, 4-21-2008)

SECTION 9: **ADOPTION** “ARTICLE 14-V BACKYARD CHICKENS” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

ARTICLE 14-V BACKYARD CHICKENS(*Added*)

SECTION 10: **ADOPTION** “Section 14-80 Definitions” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 14-80 Definitions(*Added*)

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

- (a) **Backyard Chickens** means chickens, as permitted pursuant under this article, to be kept in residential backyards.
- (b) **Chicken** means a domesticated bird that serves as a source of food.
- (c) **Chicken Coop** means structure for the keeping and housing of chickens.
- (d) **Hen** means a female chicken.
- (e) **Rooster** means a male chicken.
- (f) **Run** means an enclosed area attached to a coop where chickens can roam unsupervised.

SECTION 11: **ADOPTION** “Section 14-81 Generally” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 14-81 Generally(*Added*)

- (a) It is unlawful for any person to own, control, keep, maintain or harbor hen chickens in the Residential district of the City unless issued a permit to do so.
- (1) No roosters are permitted.
 - (2) Up to 4 /5 /6 chickens may be kept at any time.
 - (3) Chickens must be secured in a chicken coop from sunset to sunrise each day. During daylight hours, chickens must be secured in either chicken coop or in a run. No free range keeping of chickens is allowed.
 - (4) A run or exercise yard conforming with this section is required.
 - (5) The property shall be maintained in neat and sanitary condition so as not to become a public nuisance. The construction and use of any enclosures or pens and storage areas shall comply with all applicable building codes, Department of Agriculture regulations, and this article. No backyard chicken may be kept or raised in a manner as to cause injury or annoyance to persons or other animals on other property in the vicinity by reason of noise, odor, or filth
 - (6) Slaughter of chickens is prohibited within city limits and deceased chickens must be disposed of according to Minnesota Board of Animal Health rules and must be removed within 48 hours.
 - (7) Chicken manure is to be contained in a weather and pest proof container.
 - a. Removed weekly or be used as fertilizer to incorporate into soil.
 - b. Must not be allowed to accumulate to cause unsanitary conditions or odors detectible from adjacent properties.
 - (8) All food shall be stored in enclosed, rodent proof containers.
 - (9) No commercial operations, including sales of eggs or chickens is allowed.

SECTION 12: **ADOPTION** “Section 14-82 Permits” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 14-82 Permits(*Added*)

- (a) Permits are to be issued annually / biennial(odd numbered years) from January 1 to December 31 with new applications submitted for each renewal. Applications are to be made to the City Clerk. The permit fee shall be as set forth in the resolution

establishing fees and charges as may be amended from time to time by the city council.

- (b) Only one permit may be issued per lot.
- (c) If an applicant is not the owner of the property, the legal property owner must also approve and sign the application.
- (d) Permits are non-transferable to other properties and/or persons.
- (e) Site plans and coop designs are to be included with the permit application.
- (f) Exception. No permit is required under this article for the keeping of chickens in the Agricultural zoning district, provided, however, that all other applicable state and local requirements must be strictly adhered to when keeping chickens in said locations.

SECTION 13: **ADOPTION** “Section 14-83 Confinement” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 14-83 Confinement(*Added*)

All permit holders shall adhere to the following requirements below related to chicken coops and runs. No permit shall be issued under this article unless an applicant can demonstrate an ability to comply with such requirements.

- (a) No resident shall keep chickens inside a residential dwelling or in an attached or detached garage, except that chickens under the age of six (6) weeks may be kept inside for brooding purposes.
- (b) Chickens shall be kept in a fully enclosed, wind and weatherproof secure roofed enclosed structure which has sufficient windows for natural light.
- (c) The chicken coop must have a heat source for the winter months.
- (d) Any coop and run shall be screened with a solid fence or landscaped buffer with a minimum height of four (4) / five (5) / six (6) feet and must be consistent with building and zoning codes.
- (e) All coops and runs must be located within the rear or side yard subject to required setbacks and at least ten (10) feet from any property line and at least 20 feet from the principal dwelling of any adjacent lots.
- (f) Coops must either be:
 - (1) Elevated with clear open space of at least 24 inches between the ground surface and framing/floor of the coop; or
 - (2) The floor, foundation and footing must be constructed using rodent resistant materials.
- (g) Coops are not allowed to be in any part of a home and/or garage or attached to them. No chicken coop or run shall be constructed on any lot prior to the time of construction of the principal structure.
- (h) Chickens must be secured in a coop from sunset to sunrise each day.

SECTION 14: **ADOPTION** “Section 14-84 Inspection” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 14-84 Inspection(*Added*)

- (a) Any property permitted to have chickens under this article, including any chicken coop or run located thereon, may be inspected at any reasonable time by authorized city staff to inspect for compliance with this article and any other applicable laws and regulations, with notice to the property owner and, if different, the occupant.
- (b) A failure to meet any of the requirements outlined in this article may result in an Administrative Citation to correct the violation(s) and also may result in suspension or revocation of the permit.

SECTION 15: **ADOPTION** “Section 14-85 Violations” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 14-85 Violations(*Added*)

- (a) The animal control officer, police officer, or other official of the city, is authorized to issue a written notice of violation of any provisions(s) of this Article, therein stating that an administrative citation may be issued if the violation continues and may be subject to either criminal penalties in paragraph 2 below, administrative remedies pursuant to Section 2-412 of the Code or both.
- (b) Any person violating the provisions of this subchapter shall be guilty of a misdemeanor. Each day a violation continues to exist shall constitute a separate offense. Nothing herein shall preclude the city from enforcing this article through other available mechanisms, including, but certainly not limited to, a civil action seeking injunctive relief or any other remedy in law or equity.
- (c) Repeated violations or non-compliance may result in revocation of the permit. Falsification of information required for a permit is also grounds for denial or revocation of a permit. Revocations may be contested in accordance with Section 2-409.

SECTION 16: **EFFECTIVE DATE** This Ordinance shall take effect after its passage and summary 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

City	Chickens Allowed	How Many	Neighbor Sign Off	Roosters	Slaughter	Notes
Hutchinson	No	N/A	N/A	N/A	N/A	
Alexandria	No	N/A	N/A	N/A	N/A	
Worthington	No	N/A	N/A	N/A	N/A	
Willmar	No	N/A	N/A	N/A	N/A	
Brainerd	Yes	4	No	No	No	
New Ulm	Yes	4	Yes	No	No	
Fergus Falls	Yes	4	Yes	No	No	
Buffalo	Yes	4	No	No	No	
Cloquet	Yes	5	75%	No	No	Lot 10890sq ft minimum
St. Peter	Yes	6	No	No	No	

CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Steven Anderson
Meeting Date:	Tuesday, September 10, 2024
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Amendments to Ch. 6 II-2 Intoxicating Liquor
Background Information:	<p>Staff had been approached by the Marshall A's about expanding their selection of beverages as the number of 3.2% Malt Liquor varieties were being reduced by local wholesalers. Over the years the Minnesota Legislature expanded the types of businesses and establishments that were allowed to be issued an intoxicating liquor and wine license which now includes summer collegiate league baseball teams, or a league established by the Minnesota Baseball Association.</p> <p>Since 1976 the City of Marshall had only allowed 5 types of establishments to possess a liquor license:</p> <ul style="list-style-type: none"> • Hotels • Restaurants • Bowling centers • Clubs • Exclusive liquor stores <p>Which at the time were all the allowable types under State law. As new businesses came into existence and the want to expand retail liquor continued there are now 12 establishment types allowed to be issued an intoxicating liquor license by a municipality. Two of the allowable types not included in the draft ordinance are specific to the Minnesota Sports Facilities Authority and the Metropolitan Sports Commission.</p>
Fiscal Impact:	
Alternative/ Variations:	To not recommend the amendments of Ch. 6 II-2.
Recommendations:	To recommend the amendments of Ch. 6 II-2 Intoxicating Liquor be introduced at the next regular council meeting.

**CITY OF MARSHALL
ORDINANCE WINE**

**AN ORDINANCE AMENDING CHAPTER 6 ARTICLE II DIVISION 2
INTOXICATING LIQUOR**

The Common Council of the City of Marshall do ordain:

SECTION 1: AMENDMENT “Section 6-53 Issuance Limitations On Kinds Of Establishments” of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 6-53 Issuance Limitations On Kinds Of Establishments

- (a) On-sale intoxicating liquor licenses ~~may~~ ~~shall~~ be issued only to the following establishments: as defined by Minn. Stat. §340A.101, as it may be amended from time to time:
- (1) Hotels;
 - (2) Restaurants;
 - (3) Bowling centers;
 - (4) Clubs or congressionally chartered veterans organizations with the approval of the commissioner, provided that the organization has been in existence for at least three years and liquor sales will only be to members and bona fide guests;
 - (5) Resorts as defined in Minn. State §157.15, subd. 11;
 - (6) Theater;
 - (7) Convention center;
 - (8) Summer collegiate baseball team or baseball team competing in a league established by the Minnesota Baseball Association or a person holding a concession or management contract with the baseball team for beverage sales at a ballpark or stadium;
 - (9) Auto racing facility; and
 - (10) Exclusive liquor stores.
- (b) In addition, the Council may in its sound discretion authorize a retail on-sale licensee to dispense intoxicating liquor off the licensed premises:
- (1) At a community festival held within the city under the provisions of Minn. State §340A.404, subd. 4 subpart (b) as it may be amended from time to time, pursuant to section 6-61 hereof; or
 - (2) At any convention, banquet, conference, meeting, or social affair conducted on the premises of a sports, convention, or cultural facility owned by the city, under the provisions of Minn. Stat. §340A.404, subd. 4 subpart (a) as it may be amended from time to time; however, the licensee is prohibited from

dispensing intoxicating liquor to any person attending or participating in an amateur athletic event for persons 18 years of age or younger being held on the premises.

(Code 1976, § 5.40(1))

State law reference(s)—Similar provisions, Minn. Stat. § 340A.404, subd. 1.

SECTION 2: AMENDMENT “Section 6-80 Issuance Of On-Sale Wine License; Restrictions” of the Marshall Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Section 6-80 Issuance Of On-Sale Wine License; Restrictions

- (a) An on-sale wine license may be issued by the city only with the approval of the commissioner to the following:
- (1) a restaurant having facilities for seating at least 25 guests at one time. A wine license permits the sale of wine of up to 14 percent alcohol by volume for consumption with the sale of food. A wine license authorizes the sale of wine on all days of the week unless the issuing authority restricts the license's authorization to the sale of wine on all days except Sundays.
 - (2) Theatre. A wine license authorizes the sale of wine on all days of the week to persons attending events at the theater.
 - (3) Convention center. A wine license authorizes the sale of wine on all days of the week to persons attending events at the convention center.
 - (4) Summer collegiate league baseball team or a baseball team competing in a league established by the Minnesota Baseball Association, or to a person holding a concessions or management contract with the owner for beverage sales at a ballpark or stadium for the purposes of summer collegiate league baseball games, town ball games, and any other events at the ballpark or stadium. A wine license authorizes the sale of wine on all days of the week to persons attending baseball games and any other events at the ballpark or stadium
- (b) The council may by ordinance authorize a holder of an on-sale wine license issued pursuant to subsection (a) of this section who is also licensed to sell 3.2 percent malt liquor at on-sale pursuant to Minn. Stat. § 340A.411, and whose gross receipts are at least 60 percent attributable to the sale of food, to sell intoxicating malt liquors at on-sale without an additional license.
- (c) The city may issue an on-sale wine license with the approval of the commissioner to a licensed bed and breakfast facility. A license under this subsection authorizes a bed and breakfast facility to furnish wine only to registered guests of the facility.
- (d) A farm winery licensed under Minn. Stat. § 340A.315 may be issued a temporary

license for on-sale of intoxicating liquor produced by the farm winery at an approved festival or event pursuant to the provisions of this code. The licenses are subject to the terms, including a license fee, imposed by the city and all laws and ordinances governing the sale of intoxicating liquor. Licenses under this subdivision are not valid unless first approved by the city council.

(Code 1976, § 5.70(2)(A); Ord. No. 658 2nd series, § 3, 5-22-2012)

State law reference(s)—Similar provisions, Minn. Stat. § 340A.404, subd. 5.

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

CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Steven Anderson
Meeting Date:	Tuesday, September 10, 2024
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Minnesota Energy Resources Repeal of Section 22-213 Purchase by City
Background Information:	<p>At the end of 2023 Minnesota Energy Resources (MER) had reached out to city staff about the possibility of providing services to a customer along North 7th Street. Staff had communicated to MER that a franchise agreement would need to be in place before any work could begin. In May of 2024 MER started up conversations again about implementing a Franchise Agreement so a service line could be put in place for Duininck, Inc.</p> <p>Staff worked with City Attorney Pamela Whitmore and Robert Vose of Kennedy & Graven to model a Franchise Agreement for MER. After much back and forth and finally reaching an agreement with MER, on July 23, 2024, council had passed Ordinance 24-014 Granting a Franchise Agreement to Minnesota Energy Resources in a specified area around North 7th Street and ADM.</p> <p>Prior to signing the final certification after the ordinance was approved MER has now requested that Section 22-213 be removed from the ordinance. Per Mr. Vose that section was holdover language with Great Plains Natural Gas and was not a common provision in franchise agreements. Minnesota Energy Resources would like to begin construction this fall to begin service to Duininck spring of 2025.</p>
Fiscal Impact:	
Alternative/ Variations:	To not recommend the repeal of Section 22-213.
Recommendations:	To recommend the repeal of Section 22-213 Purchase by City be introduced at the next regular council meeting.

SECTION 1: **REPEAL** “Section 22-213 Purchase By City” of the Marshall Municipal Code is hereby *repealed* as follows:

R E P E A L

~~Section 22-213 Purchase By City~~ (*Repealed*)

~~The Council, at the end of any calendar year, upon a 2/3 majority vote of the Council, may acquire and thereafter operate the gas plant and distribution system, and all mains, pipes, services and other appliances thereto appertaining which shall have been constructed, installed, operated, and maintained by the Company, its successors, lessees or assigns, upon paying to the Company, its successors, lessees or assigns, the fair market value of such property. To ascertain the fair market value of such property, the City shall acquire such property by right of eminent domain.~~

SECTION 2: **AMENDMENT** “Section 22-214 Approval Of Transfer” of the Marshall Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Section 22-~~214~~213 Approval Of Transfer

SECTION 3: **AMENDMENT** “Section 22-215 Forfeiture” of the Marshall Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Section 22-~~215~~214 Forfeiture

SECTION 4: **AMENDMENT** “Section 22-216 Abandoned Facilities” of the Marshall Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Section 22-~~216~~215 Abandoned Facilities

SECTION 5: **AMENDMENT** “Section 22-217 Provisions Of Ordinance” of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 22-~~217~~216 Provisions Of Ordinance

SECTION 6: **AMENDMENT** “Section 22-218 Amendment Procedure” of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 22-~~218~~217 Amendment Procedure



**CITY OF MARSHALL
AGENDA ITEM REPORT
L&O 9/10/24**

Presenter:	Ilya Gutman
Meeting Date:	Tuesday, September 10, 2024
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Ordinance Amendment to Chapter 86, Article IV, Section 86-97 One Family Residence District.
Background Information:	The ordinance provides for minimum lot size in this district, but also requires enlarged lot for duplexes. However, since duplexes are permitted by a conditional use only, specific lot size limitation for duplexes seems redundant because it will be a part of considerations for granting a conditional use permit. Therefore, staff recommends removing this regulation.
Fiscal Impact:	None.
Alternative/ Variations:	None recommended.
Recommendations:	Staff recommends the recommendation to the City Council approving the revisions amending Sec. 86-97 One Family Residence District by removing additional lot size requirements for duplexes.

Section 86-97 R-1 Low Density Residence District

- (a) *Intent; scope.* This section applies to the R-1 one-family residence district. This R-1 district is intended to preserve and enhance low density (less than 6 units per acre) residential areas.
- (b) *Permitted uses.* The following uses shall be permitted in the R-1 low density residence district:
- (1) Residential facility serving six or fewer individuals.
 - (2) Day care facility serving 14 or fewer individuals.
 - (3) One-family detached dwellings.
- (c) *Permitted accessory uses.* The following uses shall be permitted accessory uses in the R-1 low density residence district:
- (1) Accessory uses customarily incidental to the uses permitted in this section, such as private vehicle garages.
 - (2) Accessory building complying with section 86-163, including, but not limited to, private garages, storage sheds, fallout shelters, and gazebos.
 - (3) Accessory equipment complying with section 86-164, including, but not limited to, solar energy collectors and systems, playgrounds, and sports courts.
 - (4) Bed and breakfast facility, provided property is registered with the City as a rental.
 - (5) Offices of persons and home occupations meeting the specific conditions of Section 86-50, provided an interim use permit is obtained when required.
Keeping boarders and/or roomers by a resident family, provided the property is registered with the City as a rental.
 - (6) Private swimming pool and hot tub when completely enclosed within a non-climbable fence five feet high with openings no greater than four inches in any dimension and self-closing and self-locking gate. Swimming pools exempt from the building permit requirements as defined in the state building code and hot tubs with latchable covers do not need to be enclosed.
 - (7) Private amateur radio towers and antennas complying with division 6.
 - (8) Private gardens complying with Section 86-247 (a) (5).

(d) *Conditional uses.* All conditional use permits for the R-1 district may only be issued if the proposed use meets the specific requirements of this section and also meets the supplemental regulations as outlined in article VI and meets the eligibility for conditional use permits as specified in article II, division 2. The following uses may be allowed in the R-1 low density district by conditional use permit:

- (1) Fire stations, community center buildings, public libraries and essential public utility structures serving the surrounding area.
- (2) One-family manufactured homes.
- (3) Other residential uses of the same general character as listed in subsection (b).
- (4) Parks and recreational areas, public or private.
- (5) Religious institutions as defined under Minnesota State Statutes.
- (6) School, public or private, kindergarten through grade 12.
- (7) Two-family dwellings under single ownership, joint ownership or tenants in common.
- (8) Two-family dwellings under split ownership under the following conditions:
 - a. The dwellings have separate utility service lines to each unit.
 - b. The owners execute and record a common maintenance agreement containing covenants as to uniformity of exterior appearance of the dwellings.
 - c. Proper separation of units, occurring along the lot line, exists as provided by the building code.
 - d. Such dwellings comply with all yard regulations for single-family dwellings, except side yard regulations between the dwelling units.
 - e. The dwelling location on the lot be compatible with the neighborhood.
 - f. Landscaping, fencing, grading, exterior lighting, and driveway conform to the surrounding neighborhood.
 - g. Any accessory building is compatible with the dwellings and the surrounding neighborhood.
 - h. The dwellings shall be a maximum height of two stories.
 - i. Not more than 50 percent of the lot area shall be occupied by buildings.

(e) *Height and yard regulations.* Height, yard, area and lot width and depth regulations for the R-1 district are as follows:

- (1) *Height regulations.* No building hereafter erected or altered shall exceed 3 stories or 30 feet in height.
- (2) *Front yard regulations.*
 - a. There shall be a front yard having a depth of not less than 25 feet except as otherwise provided in this section.
 - b. There shall be a front yard of not less than 35 feet on a lot or plot that abuts a thoroughfare as shown on the city zoning map.
- (3) *Side yard regulations.* There shall be a side yard on each side of a building, each having a width of not less than five feet, except for non-residential uses, the width shall be no less than 20 feet if abutting another one-family residence district lot.
- (4) *Rear yard regulations.* There shall be a rear yard having a depth of not less than 25 percent.
- (5) *Lot or plot area regulations.*

~~a.~~ Every lot or plot shall contain an area of not less than 8,000 square feet.

~~b. Every lot or plot upon which a two-family dwelling is erected or altered shall contain an area of not less than 10,000 square feet.~~

- (6) *Lot width and depth regulations.* Every lot or plot depth regulations. Every lot or plot shall have a minimum width of not less than 70 feet of the lot or plot depth, or 18 percent of the lot or plot depth for a two-street corner lot at the the building setback line, and a minimum depth of not less than 110 feet.

(f) *Supplemental regulations.* Additional regulations in the R-1 low density residence district are set forth in article VI.

(Code 1976, § 11.07; Ord. No. 407 2nd series, § 1, 12-21-1998; Ord. No. 443, § 3, 11-6-00; Ord. No. 529 2nd series, § 1, 7-5-2005; Ord. No. 590 2nd series, § 1, 2-19-2008; Ord. No. 699 2nd series, § 1, 9-9-2015; Ord. No. 712 2nd series, § 1, 9-13-2016; Ord. No. 732 2nd Series, § 1, 1-8-2019)

HISTORY

Amended by Ord. [24-007](#) on 5/14/2024

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**CITY OF MARSHALL
AGENDA ITEM REPORT
L&O 9/10/24**

Presenter:	Ilya Gutman
Meeting Date:	Tuesday, September 10, 2024
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Ordinance Amendment to Chapter 86, Article II-1, Section 86-31 Prohibited uses
Background Information:	With the current trend to develop wind towers and all controversy surrounding those developments, it seems reasonable to limit this development at least within the city limits. Proposed restriction will still allow decorative or single use wind towers, but not commercial developments.
Fiscal Impact:	None.
Alternative/ Variations:	None recommended.
Recommendations:	Staff recommends the recommendation to the City Council approving the revisions amending Sec. 86-31 Prohibited uses by limiting wind tower construction.

Section 86-31 Prohibited Uses

- a) *Intent and purpose.* It is recognized there are some uses which, because of their very nature, have serious objectionable characteristics and are not compatible with the comprehensive plan, adjacent uses, or appropriate for location within the city. Special regulation of some uses is necessary to ensure that these adverse effects will not contribute to blight or downgrading of the value of surrounding properties, and to protect the health, welfare and safety of the public in general.
- b) *Prohibited uses.*
- 1) Wind towers exceeding maximum permitted building height or 50 feet, whichever is less~~Reserved~~.
 - 2) Open or subsurface mining ~~and processing~~ of earth, minerals, sand, gravel, stone or other raw materials.
 - 3) Incinerators for refuse disposal or refuse derived fuel generators for energy conversion systems.
 - 4) Explosives or fireworks manufacturing.
 - 5) Sanitary landfill operations for disposal of refuse.
 - 6) Free standing commercial furnaces.



**CITY OF MARSHALL
AGENDA ITEM REPORT
L&O 9/10/24**

Presenter:	Ilya Gutman
Meeting Date:	Tuesday, September 10, 2024
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Ordinance Amendment to Chapter 86, Article VI-1, Section 86-165 Structures in Residential Districts.
Background Information:	The current ordinance prohibits fuel tanks over 50 gallons in residential areas. This provision was intended to limit a possibility of using propane to heat the entire house, thus minimizing potential fire danger and unsightly appearance. On the other hand, smaller tanks were permitted to allow for enough fuel for a fireplace or garage heater in otherwise electrically heated houses. It was recently brought up that even a 100-gallon tank will not be enough to provide heat for the entire dwelling, making it reasonable to increase the maximum tank size to 100 gallons. Provision for screening it with a fence will stay.
Fiscal Impact:	None.
Alternative/ Variations:	None recommended.
Recommendations:	Staff recommends the recommendation to the City Council approving the revisions amending Sec. 86-165 Structures in Residential Districts to allow tanks up to 100 gallons.

Section 86-165 Structures In Residential Districts

For all permitted non-accessory structures in the R-1, R-2, R-3 and R-4 Districts, the following shall apply:

- (a) Such structures shall comply with all applicable zoning regulations for the zone in which they are located and with all applicable state statutes and codes.
- (b) A building permit and any other required permits shall be obtained for such structures.
- (c) No such structures shall have a footprint of less than 800 square feet, not including an attached garage, unless such garage has habitable space above.
- (d) No such structures shall have a dimension of less than 24 feet at its narrowest point, as measured from faces of exterior walls, in any direction, except entries, porches, and similar attachments.
- (e) Any such structure shall be placed on permanent building code compliant foundation that is continuous around the entire perimeter of the building except for decks, porches, or similar attached structures or rooms constituting less than 25 percent of the building footprint area.
- (f) Any such structure shall have exterior wall finish materials extend down to foundation or within 12 inches above grade, whichever is less. Wainscoting, if used, shall be minimum of 36 inches high.
- (g) Any such structure shall have a sloped roof with at least 3/12 pitch over at least half of the building; a flat roof is permitted over entire buildings larger than 1,200 square feet in footprint or taller than two stories.
- (h) No such structure shall use materials with exposed fasteners as an exterior finish, except sloped roofs.
- (i) In R-1 one family residence district, direct and independent connection to city utilities shall be required for each such structure and no exterior above-ground fuel tanks shall be allowed, except one tank, 10050 gallons or less, properly located and screened, may be permitted.
- U) In R-1 one-family residence district, not more than one such structure may be built on a single lot.
- (k) Nothing in this article shall prevent the regulation of uses of property by means of restrictive covenants.

(Code 1976, § 11.19(5); Ord. No. 732 2nd Series, § 1, 1-8-2019)

State law reference(s)-Manufactured home park to be conditional use in any district allowing buildings used or intended to be used by two or more families, Minn. Stat. § 462.357, subd. 1b.

HISTORY

Amended by Ord. 22-011 on 11/7/2022

CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Pamela Whitmore
Meeting Date:	Tuesday, September 10, 2024
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Amendments to Ch. 22 VIII Licensing and Registration Requirements for the Sale of Intoxicating Cannabinoid Products
Background Information:	<p>The City of Marshall originally implemented an Emergency THC Moratorium to research and study the topic on July 12, 2022, at the on-set of new cannabis laws passed by the Minnesota Legislature. During the study and research process council had taken steps to loosen and refine the moratorium over the years. Actions included:</p> <ul style="list-style-type: none"> • Allowing the municipal liquor store to sell THC edibles • Manufacture of low-dose THC seltzers by a brewery or distillery • Giving the option of on-sale liquor license holders to allow on-site consumption of THC edibles on their licensed premises • Retail registration of THC edibles for off-site consumption <p>On August 27, 2024, a work session was held that provided updates on Adult Use Cannabis. During the work session direction was taken from council members and implemented into the amendments being proposed.</p>
Fiscal Impact:	
Alternative/ Variations:	
Recommendations:	Discussion on the direction of the registration requirements and zoning restrictions to be implemented.

**CITY OF MARSHALL
ORDINANCE ADULT USE CANNABIS**

**AN ORDINANCE AMENDING EXISTING REGISTRATION REQUIREMENTS
FOR THE SALE OF LOWER-LEVEL INTOXICATING CANNABINOID
PRODUCTS, ARTIFICIAL OR OTHERWISE, AND CREATING REGISTRATION
REQUIREMENT FOR THE SALE OF ADULT USE CANNABIS PRODUCTS**

The Common Council of the City of Marshall do ordain:

SECTION 1: **AMENDMENT** “Section 22-220 Definitions” of the Marshall Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Section 22-220 Definitions

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

Adult-use Cannabis Concentrate means cannabis concentrate that is approved for sale by the Office of Cannabis Management or is substantially similar to a product approved by the Office. Adult-use cannabis concentrate does not include any artificially derived cannabinoid.

Adult-use Cannabis Flower means cannabis flower that is approved for sale by the Office or is substantially similar to a product approved by the Office. Adult-use cannabis concentrate does not include any artificially derived cannabinoid.

Adult-use Cannabis Product means a cannabis product that is approved for sale by the Office or is substantially similar to a product approved by the Office. Adult-use cannabis product includes edible cannabis products but does not include medical cannabinoid products or lower-potency hemp edibles. Adult use products include Adult-use Cannabis Concentrate, Adult-use Cannabis Flower, Adult-use Cannabis Product, Artificially Derived Cannabinoid, Cannabis Concentrate, Cannabis Flower.

Artificially Derived Cannabinoid means a cannabinoid extracted from a cannabis plant, cannabis flower, hemp plant, or hemp plant parts with a chemical makeup that is changed after extraction to create a different cannabinoid or other chemical compound by applying a catalyst other than heat or light. Artificially derived cannabinoid includes but is not limited to any tetrahydrocannabinol created from cannabidiol but does not include cannabis concentrate, cannabis products, hemp concentrate, lower-potency hemp edibles, or hemp-derived consumer products.

Cannabinoid means any of the chemical constituents of hemp plants or cannabis plants that

are naturally occurring, biologically active, and act on the cannabinoid receptors of the brain. Cannabinoid includes but is not limited to tetrahydrocannabinol and cannabidiol.

Cannabis Retail Business means any of the following licensed under Minnesota Statutes, §342:

- (a) Cannabis microbusiness;
- (b) Cannabis mezzobusiness;
- (c) Cannabis retailer; and
- (d) Medical cannabis combination business.

Cannabis Concentrate means:

- (a) The extracts and resins of a cannabis plant or cannabis flower;
- (b) The extracts or resins of a cannabis plant or cannabis flower that are refined to increase the presence of targeted cannabinoids; or
- (c) A product that is produced by refining extracts or resins of a cannabis plant or cannabis flower and is intended to be consumed by combustion or vaporization of the product and inhalation of smoke, aerosol, or vapor from the product.
- (d) Cannabis concentrate does not include hemp concentrate, artificially derived cannabinoid, or hemp-derived consumer products.

Cannabis Flower means the harvested flower, bud, leaves, and stems of a cannabis plant. Cannabis flower includes adult-use cannabis flower and medical cannabis flower. Cannabis flower does not include cannabis seed, hemp plant parts, or hemp-derived consumer products.

Cannabis Microbusiness means a business licensed to perform any or all of the following within the limits established by Minnesota Statutes, § 342.28:

- (a) Grow cannabis plants from seed or immature plant to mature plant and harvest cannabis flower from a mature plant;
- (b) Make cannabis concentrate;
- (c) Make hemp concentrate, including hemp concentrate with a delta-9 tetrahydrocannabinol concentration of more than 0.3 percent as measured by weight;
- (d) Manufacture artificially derived cannabinoids;
- (e) Manufacture adult-use cannabis products, lower-potency hemp edibles, and hemp-derived consumer products for public consumption;
- (f) Purchase immature cannabis plants and seedlings and cannabis flower from another cannabis microbusiness, a cannabis mezzobusiness, a cannabis manufacturer, or a cannabis wholesaler;
- (g) Purchase hemp plant parts and propagules from an industrial hemp grower licensed under chapter 18K;
- (h) Purchase hemp concentrate from an industrial hemp processor licensed under chapter 18K;
- (i) Purchase cannabis concentrate, hemp concentrate, and artificially derived cannabinoids from another cannabis microbusiness, a cannabis mezzobusiness, a

- cannabis manufacturer, or a cannabis wholesaler for use in manufacturing adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer products;
- (j) Package and label adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, and hemp-derived consumer products for sale to customers;
 - (k) Sell immature cannabis plants and seedlings, adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, hemp-derived consumer products, and other products authorized by law to other cannabis businesses and to customers;
 - (l) Operate an establishment that permits on-site consumption of edible cannabis products and lower-potency hemp edibles; and
 - (m) Perform other actions approved by the Office.

Cannabis Mezzobusiness means a business licensed to perform any or all of the following within the limits established by Minnesota Statutes, §342.29:

- (a) Grow cannabis plants from seed or immature plant to mature plant and harvest cannabis flower from a mature plant for use as adult-use cannabis flower or for use in adult-use cannabis products;
- (b) Grow cannabis plants from seed or immature plant to mature plant and harvest cannabis flower from a mature plant for use as medical cannabis flower or for use in medical cannabinoid products;
- (c) Make cannabis concentrate;
- (d) Make hemp concentrate, including hemp concentrate with a delta-9 tetrahydrocannabinol concentration of more than 0.3 percent as measured by weight;
- (e) Manufacture artificially derived cannabinoids;
- (f) Manufacture adult-use cannabis products, lower-potency hemp edibles, and hemp-derived consumer products for public consumption;
- (g) Process medical cannabinoid products;
- (h) Purchase immature cannabis plants and seedlings and cannabis flower from a cannabis microbusiness, another cannabis mezzobusiness, a cannabis manufacturer, or a cannabis wholesaler;
- (i) Purchase cannabis concentrate, hemp concentrate, and synthetically derived cannabinoids from a cannabis microbusiness, another cannabis mezzobusiness, a cannabis manufacturer, or a cannabis wholesaler for use in manufacturing adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer products;
- (j) Purchase hemp plant parts and propagules from a licensed hemp grower licensed under chapter 18K;
- (k) Purchase hemp concentrate from an industrial hemp processor licensed under chapter 18K;
- (l) Package and label adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, and hemp-derived consumer products for sale to customers;
- (m) Sell immature cannabis plants and seedlings, adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, hemp-derived consumer products, and other products authorized by law to other cannabis businesses and to customers; and
- (n) Perform other actions approved by the Office.

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

Intoxicating Hemp Product means any product that is intended to be eaten or consumed ~~as a beverage~~ by humans, contains a cannabinoid other than CBD in combination with food ingredients, and is not a drug, and meet the requirements to be sold under Minnesota Statutes, §151.72 or after March 1, 2025, the requirements under Minnesota Statutes, Chapter 342. This does not include any product intended to be consumed by combustion or vaporization of the product, by inhalation of smoke, aerosol, or vapor from the product or through injection or application to a mucus membrane or nonintact skin. A product intended to only contain CBD but which may contain less than trace amounts of tetrahydrocannabinol (THC) as an unintended result of the manufacturing process is not considered an Intoxicating Hemp Product.

Intoxicating Hemp Product ~~Business~~ Retailer means a business that sells Intoxicating Hemp Products at retail ~~for off-site consumption~~. In state law, as amended from time to time, these businesses are licensed as Lower Potency Hemp Edible Retailers.

Premises means the area from which a Cannabis Retail Business sells Adult Use Cannabis Products or an Intoxicating Hemp Product ~~Retailer~~**Business** sells Intoxicating Hemp Products and for an On-Site Intoxicating Hemp Product ~~Retailer~~**Business** and Liquor Store, the area for which shall mean the licensed premises is identified pursuant to its license issued under Minnesota Statutes, Chapter 340A.

Liquor Store means a business licensed pursuant to Minnesota Statutes, Chapter 340A to sell alcoholic beverages in original packages for consumption off the licensed premises only.

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

Medical Cannabis Combination Business means a business licensed to perform any or all of the following within the limits established by Minnesota Statutes, § 342.515:

- (a) Grow cannabis plants from seed or immature plant to mature plant and harvest adult-use cannabis flower and medical cannabis flower from a mature plant;
- (b) Make cannabis concentrate;
- (c) Make hemp concentrate, including hemp concentrate with a delta-9 tetrahydrocannabinol concentration of more than 0.3 percent as measured by weight;
- (d) Manufacture artificially derived cannabinoids;
- (e) Manufacture medical cannabinoid products;
- (f) Manufacture adult-use cannabis products, lower-potency hemp edibles, and hemp-derived consumer products for public consumption;
- (g) Purchase immature cannabis plants and seedlings and cannabis flower from a cannabis microbusiness, a cannabis mezzobusiness, a cannabis manufacturer, a cannabis

wholesaler, a medical cannabis cultivator, or another medical cannabis combination business;

- (h) Purchase hemp plant parts and propagules from an industrial hemp grower licensed under chapter 18K;
- (i) Purchase cannabis concentrate, hemp concentrate, and artificially derived cannabinoids from a cannabis microbusiness, a cannabis mezzobusiness, a cannabis manufacturer, a cannabis wholesaler, a medical cannabis processor, or another medical cannabis combination business;
- (j) Purchase hemp concentrate from an industrial hemp processor licensed under chapter 18K;
- (k) Package and label medical cannabis and medical cannabinoid products for sale to medical cannabis processors, medical cannabis retailers, other medical cannabis combination businesses, and patients enrolled in the registry program, registered designated caregivers, and parents, legal guardians, and spouses of an enrolled patient;
- (l) Package and label adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, and hemp-derived consumer products for sale to customers;
- (m) Sell medical cannabis flower and medical cannabinoid products to patients enrolled in the registry program, registered designated caregivers, and parents, legal guardians, and spouses of an enrolled patient;
- (n) Sell immature cannabis plants and seedlings, adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, hemp-derived consumer products, and other products authorized by law to other cannabis businesses and to customers;
and
- (o) Perform other actions approved by the Office.

Office means the Office of Cannabis Management

Off-Sale Intoxicating Hemp Product Retailer means a business that sells Intoxicating Hemp Products for off-site consumption.

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

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

THC means the chemical compound of the cannabis plant tetrahydrocannabinol.

SECTION 2: AMENDMENT “Section 22-221 Purpose” of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 22-221 Purpose

The eCity recognizes that the sale of certain products containing the psychoactive cannabis compound THC is legal when those sales are to individuals 21 years of age or older, and that the increase of these types of products in the community increases the likelihood that youth will have access to and use products containing THC. The use of those products by individuals under the age of 21 places a burden on all levels of government, resulting in financial and other public resources being needed to address both violations of laws and regulations regarding such use, including the impacts on health . The purpose of this chapter is to regulate the sale of products containing THC for the purpose of enforcing and further existing laws and

SECTION 3: AMENDMENT “Section 22-222 Registration Required” of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 22-222 Registration Required

- (a) **Intoxicating Hemp Products.** Businesses may only sell Intoxicating Hemp Products to customers, for on-site or off-site consumption, if one of the following ~~two~~^{three} conditions apply:
- (1) For on-site consumption, an On-Site Intoxicating Hemp Product ~~Retailers~~^{Business} must be registered with the city before making sales to customers and must have an active on-sale liquor license pursuant to Minnesota Statutes Chapter 340A, and once the Office begins licensing, must be licensed by the Office pursuant to Minnesota Statutes Section 342.10 as a lower-potency hemp edible retailer, as that term is defined by Minnesota Statutes Section 342.01, and as those sections are amended from time to time.
 - (2) For off-site consumption an Intoxicating Hemp Products ~~Retailer~~^{Business} must be registered with the city before making sales to customers and once the Office begins licensing, must be licensed by the Office pursuant to Minnesota Statutes Section 342.10 as a lower-potency hemp edible retailer, as that term is defined by Minnesota Statutes Section 342.01, and as those sections are amended from time to time, to sell product retail.
- (b) **Adult Use Products.** Only Cannabis Retail Businesses may sell Adult Use Cannabis Products. A Cannabis Retail Business must have an active license issued by the Office pursuant to Chapter 342 of Minnesota Statute Statutes which allows it to sell Adult Use Cannabis Product at retail, and also must be registered with the city before making sales to customers.
- (c) **Hours of Operation.** Cannabis Retail Businesses and Intoxicating Hemp Product Retailers are limited to retail sale between the hours of (insert time here) and (insert time here).
- (d) No city-issued registration is required for a business selling medical cannabis as part of the Minnesota’s Medical Cannabis Program described in Minnesota Statutes, §§ 152.22 to 152.37 or for a Liquor Store.

SECTION 4: AMENDMENT “Section 22-223 Registration Application And General Information” of the Marshall Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Section 22-223 Registration Application And General Information

- (a) ***General Application Information*** – ~~Both Cannabis Retail Businesses, and On-Site Intoxicating Hemp Product Retailers Businesses, whether on-site or off-sale, and Intoxicating Hemp Product Businesses~~ must submit the following to the City:
- (1) Complete registration form, including confirmation that the business is registered with the ~~Office~~Minnesota Department of Health.
 - (2) A registration fee, which shall be established pursuant to City Council resolution or City Council Fee Schedule. The registration fee shall be non-refundable once processed.
 - (3) Copy of the active license issued by the Office and required in Section 22-222 above.
 - (4) Full name of the property owner and applicant.
 - (5) The address and parcel ID for the property which the registration is sought.
 - (6) If the applicant does not own the business premises, a true and complete copy of the executed lease for the premises, if applicable. The name of the business, if it is to be conducted under a designation, name or style other than the name of the applicant and a certified copy of the certificate as required by Minn. Stat. § 333.01, as it may be amended from time to time.
 - (7) Whether all real estate and personal property taxes that are due and payable for the premises have been paid and, if not paid, the years and amounts that are unpaid.
 - (8) A written declaration by the applicant, under penalty of perjury, that the information contained in the application is true. If the applicant is a corporation, an officer must sign the written declaration. If the applicant is a partnership, a general partner must sign the written declaration. If the applicant is an unincorporated association, the manager or managing officer must sign the written declaration.
- (b) ***Additional On-Site Intoxicating Hemp Product ~~Retailer~~Business Application Information*** – In addition to the application information contained in §22-223 (a), On-Site Intoxicating Hemp Product ~~Retailers~~Businesses must also submit confirmation that the premises has an on-sale liquor license issued pursuant to Minnesota Statutes, Chapter 340A.
- (c) ***Additional Application Information.***
- (1) Natural Persons. In addition to (a) above, Natural Person Applicants must also provide:
 - a. Address, email address, telephone number and date of birth of the applicant;

- b. Street resident addresses of where the applicant has lived during the past five years and telephone numbers and dates for which such addresses and phone numbers were used;
 - c. Whether the applicant has ever been known by a name other than the applicant's name and, if so, the name or names used, including maiden names, and information concerning dates and places used;
 - d. The type, name and location of every business or occupation in which the applicant has been engaged during the preceding five years and the names or addresses of the applicant's employers and partners, if any, for the preceding five years, and corresponding dates of employment;
 - e. A physical description of the applicant;
 - f. If the applicant does not manage the business, the name of the managers or other persons in charge of the business and all information concerning each of them pursuant to above (i)-(v) in this subsection..
- (2) Partnership. If the applicant is a partnership, the applicant may be required to provide the following information:
 - a. The names and addresses of all general and limited partners and all information concerning each general partner pursuant to divisions c(1) above;
 - b. The names of the managing partners and the interest of each partner in the licensed business;
 - c. A copy of the partnership agreement. If the partnership is required to file a certificate as to a trade name pursuant to Minn. Stat. § 333.01, as it may be amended from time to time, a certified copy of the certificate must be attached to the application;
 - d. The applicant's federal tax identification number and state employer identification number; and
 - e. If the applicant does not manage the business, the name of the managers or other persons in charge of the business and all information concerning each of them pursuant to divisions (c)(1) above.
- (3) Corporation. If the applicant is a corporation or other organization, the applicant may be required to provide the following information:
 - a. The name of the corporation or business and the state of incorporation;
 - b. A copy of the articles of incorporation or association agreement and bylaws. If the applicant is a foreign corporation, a certificate of authority as required by Minn. Stat. § 303.06, as it may be amended from time to time, must be attached;
 - c. The applicant's federal tax identification number and state employer identification number;
 - d. The name of the managers or other persons in charge of the business and all information concerning each manager, proprietor or agent

- pursuant to (c)(1)above; and
- e. A list of all persons who control or own an interest in excess of 5% in the organization or business or who are officers of the corporation or business and all information concerning the persons pursuant to (c)(1) above. This provision, however, does not apply to a corporation whose stock is publicly traded on a stock exchange and the corporation is applying for a license to be owned and operated by itself.
- (d) ***No Moveable Place of Business*** – No Intoxicating Hemp Product Retailer Moveable Place of Business or movable Cannabis Retail Business is allowed and, as a result, no registration will be issued for a Moveable Place of Business.
- (e) ***Term*** – Registrations are valid for a term of one year from the date they are issued by the City. Businesses renewing their registration must submit a renewal fee at the time of renewal. A medical combination business operating an adult-use retail location may only be charged a single registration fee, not to exceed the lesser of a single retail registration fee, defined under this section, of the adult-use retail business.
- (f) ***Registration Conditions*** Registrants are subject to the performance standards and penalties in §§ 22-224 - 22-234. Violation of any of the applicable provisions of this chapter is considered a violation of City Code and may result in criminal penalties, administrative fines or the City revoking a registration. A registration shall not be approved or renewed if the registrant is unable to meet the requirements of this ordinance.
- (g) ***Renewal*** - For all new and renewal registrations, the City shall conduct a preliminary compliance check to ensure compliance with this ordinance and to obtain proof of compliance with required criminal history checks on applicant’s employees as required by Minn. Stat. §§ 342.151. Pursuant to Minn. Stat. 342, within 30 days of receiving a copy of a state license application from the Office, the City shall certify on a form provided by the Office whether a proposed retail business complies with local zoning ordinances and, if applicable, whether the proposed business complies with the state fire code and building code. The City shall renew an annual registration of a state-licensed Cannabis Retail Business or Intoxicating Hemp Product Retailer, also known in state law as Lower Potency Hemp Edible Retailer, business to correspond, if practicable, with when the Office renews the business’ state license. A state-licensed retail business shall apply to renew registration on a form established by the City. Any renewal retail registration fee imposed by the City shall be charged at the time of the second renewal and each subsequent renewal thereafter. A renewal retail registration fee shall not exceed the limits set forth in state statute, as amended from time to time.

SECTION 5: AMENDMENT “Section 22-225 Limit On Registrations” of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 22-225 Limit On Registrations

- (a) **Intoxicating Hemp Product RetailerBusiness**. The City has not established a limit on the number of Intoxicating Hemp Product RetailerBusiness registrations.
- (b) **On-Site Intoxication Hemp Product RetailerBusinesses**. The City has not established a limit on the number of On-Site Intoxicating Hemp Product RetailerBusiness registrations other than requiring these businesses to have up-to-date on-sale liquor license.
- (c) Cannabis Retailer Businesses. The City has established a limit of two (2) Cannabis Retail Business registrations available at one time.

SECTION 6: AMENDMENT “Section 22-226 Responsibility” of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 22-226 Responsibility

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

SECTION 7: AMENDMENT “Section 22-227 Compliance Checks And Inspections” of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 22-227 Compliance Checks And Inspections

All Cannabis Retail Businesses, On-Site Intoxicating Hemp Product RetailersBusinesses and Intoxicating Hemp Product RetailersBusinesses premises shall be open to inspection by the city police or other authorized city official during regular business hours. From time to time, but at least once per year, the city shall conduct compliance checks by engaging individuals over the age of 17 years old but less than 21 years old, to enter the premises to attempt to purchase Adult-use Cannabis Products or Intoxicating Hemp Products. Prior written parental or guardian consent is required for any person under the age of 18 who participates in a

compliance check. Individuals used for the purpose of compliance checks shall be supervised by city designated law enforcement officers or other designated city personnel. Individuals used for compliance checks shall not be guilty of unlawful possession of Adult-use Products or Intoxicating Hemp Products when such items are obtained as a part of the compliance check. No individual used in compliance checks shall attempt to use a false identification misrepresenting the individual's age, and all individuals lawfully engaged in a compliance check shall answer all questions about the individual's age asked by the registrant or their employee, and shall produce any identification, if any exists, for which they are asked. Nothing in this article shall prohibit compliance checks authorized by state or federal laws for educational, research or training purposes, or required for the enforcement of a particular state or federal law.

SECTION 8: AMENDMENT “Section 22-228 Prohibited Sales” of the Marshall Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Section 22-228 Prohibited Sales

It shall be a violation of this article for any person to sell or offer to sell any Adult-use Cannabis Products or Intoxicating Hemp Product:

- (a) Not meeting the requirement or by the means authorized in Minnesota Statutes, section 151.72, or after March 1, 2025, the requirements of Minnesota Statutes, Chapter 342, including, but not limited to:
 - (1) Packaging - Minn. Stat. § 151.72, subd. 5a., or after March 1, 2025, the requirements of Minn. Stat. § 342.62;
 - (2) Secured Storage and Sales - Minn. Stat. § 151.72, subd. 5a (h), or after March 1, 2025, the requirements of Minn. Stat. § 342.46, subd. 4;
 - (3) Testing Requirements - Minn. Stat. § 151.72, subd. 4., or after March 1, 2025, the requirements of Minn. Stat. § 342.61; and
 - (4) Labeling Requirements - Minn. Stat. § 151.72, subd. 5., or after March 1, 2025, the requirements of Minn. Stat. § 342.63;
 - (5) ~~Age Verification - Minn. Stat. § 151.72, subd. 5e.~~
 - (6) ~~Packaging, Labeling, and THC Limits - Minn. Stat. § 151.72, subd. 5a.~~
 - (7) ~~Secure Storage and Sales - Minn. Stat. § 151.72, subd. 5a (h).~~
 - (8) ~~Testing Requirements - Minn. Stat. § 151.72, subd. 4.~~
 - (9) ~~Labeling Requirements - Minn. Stat. § 151.72, subd. 5.~~
- (b) To any person under the age of 21 years. Prior to initiating a sale or otherwise providing an edible cannabinoid product to an individual, an employee of a retailer must verify that the individual is at least 21 years of age pursuant to Minn. Stat. § 151.72, subd. 5c, or after March 1, 2025, the requirements of Minn. Stat. § 342.46, subd. 3;

- ~~(e) By any person under the age of 21 years.~~
- (d) For a nominal amount or by means of sampling.
- (e) By internet sales or delivery, unless the business utilizes an independent third-party age verification system.
- (f) By an other means, to any other person, or in any other manner or form prohibited by federal, state, or other local law, ordinance provision, or other regulation

SECTION 9: **AMENDMENT** “Section 22-229 On-Site Intoxicating Hemp Business Manufacturing” of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 22-229 On-Site Intoxicating Hemp Business Manufacturing

- (a) On-Site Intoxicating Hemp Product ~~Retailers~~~~Businesses~~ may manufacture Intoxicating Hemp Products intended to be consumed as a beverage as an accessory use only at breweries and distilleries licensed as such under Minnesota Statutes, Chapter 340A, as long as the manufacturing process for the beverages does not involve the cannabis plant and until March 1, 2025. For purposes of this Section, accessory use is defined to mean not accounting for more than 50% of the production of total product produced at the brewery or distillery. The transporting or distribution of such Intoxicating Hemp Products manufactured as an accessory use at a brewery or distillery to locations outside of the City also is allowed as part of the accessory use during this time period.
- (b) After March 1, 2025, On-Site Intoxicating Hemp Product Retailers also licensed as a lower-potency hemp edible manufacturer by the Office, may manufacture Intoxicating Hemp Products intended to be consumed on-site.
- (c) Intoxicating Hemp Products manufactured as described in 22-229 (a) and (b) may ~~only~~~~not~~ be sold at retail for off-sale consumption by ~~the~~~~an~~ On-Site Intoxicating Hemp Product ~~Retailer~~~~Business~~ when that business holds both a current lower-potency hemp edible manufacturer license from the Office and a current lower-potency hemp edible retailer license from the Office.

SECTION 10: **AMENDMENT** “Section 22-231 Exceptions And Defenses” of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 22-231 Exceptions And Defenses

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

SECTION 11: **AMENDMENT** “Section 22-232 Offenses Involving Individual Under The Age Of 21” of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 22-232 Offenses Involving Individual Under The Age Of 21

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

SECTION 12: **AMENDMENT** “Section 22-233 Violations” of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 22-233 Violations

- (a) **Notice.** Upon discovery of a suspected violation, the alleged violator shall be issued, either personally or by mail, a citation that sets forth the alleged violation and which shall inform the alleged violator of their right to be heard on the accusation.
- (b) **Hearings.** If a person accused of violating this article so requests, a hearing shall be scheduled, the time and place of which shall be published and provided to the accused violator.
- (c) **Hearing officer.** The hearing officer for any violations of this article shall be the city administrator or a person duly designated by the city administrator. It is not necessary that criminal charges be brought in order to support a determination of a registration violation nor does the dismissal or acquittal of such a criminal charge operate as a bar to adverse registration actions under this chapter.
- (d) **Decision.** If the hearing officer determines that a violation of this article did occur, that decision, along with the hearing officer's reasons for finding a violation, and the penalty to be imposed for a violation of this article, shall be recorded in writing, a copy of which shall be provided to the accused violator. Likewise, if the hearing officer finds that no violation occurred or finds grounds for not imposing any penalty, such findings shall be recorded and a copy provided to the acquitted accused violator.
- (e) ~~**Appeals.** Appeals of any decision made by the hearing officer shall be filed in the district court for the city.~~ **Final Decision.** Following the hearing, the City Administrator or their designee will notify the Council of the Decision. If the hearing officer recommended denial, revocation or suspension of the registration, the Council may continue consideration of the registration or renewal to accommodate necessary notification to the Office or may temporarily suspend the registration upon such terms and conditions as it deems reasonable and necessary to accomplish the purposes of this chapter. The decision by the City Council is final and not appealable but is subject to licensing decisions by the Office.
- (f) **Misdemeanor prosecution.** Nothing in this article shall prohibit the city from seeking prosecution as a misdemeanor for any alleged violation of this article. If the city elects to seek misdemeanor prosecution, no administrative penalty shall be imposed.
- (g) **Notification to the Office.** Within X days of any decision which impacts a state licensed Cannabis License Holder, as that term is defined in Minn. Stat. §342.01, subd 48, the City Council shall notify the Office of the suspension and shall include the grounds for the suspension. The Office will provide the City and retailer a response to the complaint within seven calendar days and perform any necessary inspections within 30 calendar days.
- (h) **Length of Suspension.** The continuation of consideration of an application or renewal for registration or the suspension of either a Cannabis Retail Business registration or Intoxicating Hemp Product Retailer registration may be for up to 30 calendar days, unless the Office suspends the businesses' corresponding license for a longer period. The business may not make sales to customers if their registration is suspended or not on active status due to a continuation. With respect to suspensions, the City may

reinstate a registration if it determines that the violations have been resolved and it has received any necessary notification from the Office that violations have been resolved

- (f) ~~**Continued violation.** Each violation and every day in which a violation occurs or continues shall constitute a separate offense.~~

SECTION 13: **AMENDMENT** “Section 22-234 Penalties For Violation Of Article” of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 22-234 Penalties For Violation Of Article

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

Any registration issued under this chapter may be revoked or suspended. In addition, any person who violates any provision of this chapter is subject to the general penalties section, Article 2-VII of this municipal code. Nothing in this article shall prohibit the city from seeking prosecution as a misdemeanor for any violation of this article.

SECTION 14: **ADOPTION** “Section 22-235 Sverability” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 22-235 Sverability(Added)

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

SECTION 15: EFFECTIVE DATE This Ordinance shall take effect following its passage and summary publication in accordance with state law.

SECTION 16: SUMMARY PUBLICATION Pursuant to Minn. Stat. § 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance: The ordinance requires a license or registration for the sale of all intoxicating hemp and cannabis products and establishes certain performance standards surrounding the sale of such products.

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