

City of Delano
County of Wright
State of Minnesota

Ordinance O-23-04

An ordinance amending the Delano City Code Chapter 4 – Public Protection and General Licensing to address mobile food units in residential districts

Section 1. Chapter 4-Public Protection and General Licensing, Section 408.01, Subd. 3.A of the Delano City Code (Mobile Food Units (MFUs)) is hereby repealed and replaced with the following:

- A. Mobile Food Units (MFUs). Mobile food units (MFUs) are required to meet the additional following standards:
 1. MFU licenses issued by the City require approval from the City Clerk. Licenses are issued on an event basis, and permit MFUs to operate at up to four locations in the community during the course of the year, not to exceed twenty-one (21) days per location, except as permitted in Subd. 3.A.9 of this code section.
 2. MFUs must be licensed by the Minnesota Health Department and must adhere to State regulations for food trucks as provided in Food Code Chapter 4626.1860 Mobile Food Establishments; Seasonal Temporary Food Stands; Seasonal Permanent Food Stands. Evidence of the State license must be provided to the City as part of the local license application.
 3. With the exception of MFUs serving special events for public, institutional, or non-profit uses, located at parks, schools, or churches sites in residential zoning districts, or as permitted in Subd. 3.A.9 of this code section, MFUs operations are limited to the business and industrial districts. Ice cream truck vendors may operate in all zoning districts.
 4. MFUs must be located on private property, except as permitted in Subd. 3.A.9 of this code section, and the applicant must provide written consent from the property owner. However, MFUs may be located in a public park with approval from the City, and ice cream trucks are allowed to operate within the public right-of-way in residential districts.
 5. Private properties may host MFUs for eighty-four (84) days of the calendar year, non-consecutively, and no single MFU shall operate at the site for more than twenty-one (21) days at a time, or as permitted in Subd. 3.A.9 of this code section.
 6. MFU sites shall be kept in a neat and orderly manner, and shall adhere to the following site and operational requirements:
 - a. Trash and/or recycling collection and cleanup must be provided.
 - b. MFUs must provide independent power supply which is screened from view. Generators are permitted.
 - c. MFUs may not maintain or use outside sound amplifying equipment, televisions, or other similar visual entertainment devices, or noisemakers such as bells, horns, or whistles. Ice cream trucks traveling through a residential district may have outdoor music or noise-making devices to announce their presence.

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- d. MFUs cannot obstruct the movement of pedestrians or vehicles or pose a hazard to public safety.
- e. MFUs shall be located on an asphalt or concrete surface. The City may waive the MFU site surfacing requirements when the license is approved for operation within a park.
- f. MFUs may not be located within one hundred (100) feet of existing restaurants or coffee shops, as measured from the MFU to the entrance of a food service building.
- g. MFUs must close during adverse weather conditions when a shelter is not provided.
- h. MFUs are not permitted to operate between the hours of ten o'clock (10:00) P.M. and eight o'clock (8:00) seven o'clock (7:00) A.M.

7. Ice cream truck vendors are required to undergo a criminal background check prior to operating in the community, at the cost of the applicant.

8. If MFU sites are found to be in noncompliance with any conditions as provided in Section 408.01 of the Ordinance, the City reserves the right to revoke the MFU transient merchant license.

9. MFUs are permitted for one-day special events in residential zoning districts with an approved MFU license application subject to the following:

- a. Operation is limited to an individual residence and may be located on a paved driveway or may operate within the public street directly in front of the residential property being served. The unit shall vend only from the side of the vehicle away from moving traffic and as near as possible to the curb or side of the street.
- b. No MFU shall operate at a residential site for more than 24 hours.
- c. MFUs at residential sites may not operate between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M.

Section 2. Effective Date. This Ordinance shall be in full force and effect immediately following its passage and publication.

Adopted by the Mayor and City Council of Delano, Minnesota this 18th day of April 2023.

Holly Schrupp
Holly Schrupp, Mayor

Paula Bauman
Attest: Paula Bauman, Administrative Services Director