

**CITY OF DELANO
COUNTY OF WRIGHT
STATE OF MINNESOTA**

ORDINANCE NO. 0-15 - 09

AN ORDINANCE AMENDING DELANO CITY CODE CHAPTER 4 (PUBLIC PROTECTION AND GENERAL LICENSING), SECTION 408.01 (PEDDLERS, TRANSIENT MERCHANTS AND SOLICITORS) AND DELANO ZONING ORDINANCE SECTION 51.01 (TITLE / APPLICATION / RULES / DEFINITIONS) SUBD. B (RULES AND DEFINITIONS), RELATING TO MOBILE FOOD UNIT (FOOD TRUCK) REGULATIONS

THE CITY COUNCIL OF THE CITY OF DELANO ORDAINS:

Section 1. Section 408.01, Peddlers, Transient Merchants and Solicitors, of Chapter 4 (Public Protection and General Licensing) is hereby retitled as follows:

Section 408.01. Peddlers, Transient Merchants, Solicitors, and Mobile Food Units.

Section 2. Subd. 2 (Definitions) of Section 408.01 (Peddlers, Transient Merchants and Solicitors) of Chapter 4 (Public Protection and General Licensing) is hereby amended as follows:

- A. "Mobile Food Unit" means a food and beverage service establishment that is a vehicle mounted unit, such as:
1. Motorized or trailered, operating no more than twenty-one (21) days annually at any one place, or operating more than twenty-one (21) days annually at any one place with the approval of the regulatory authority as defined in Minnesota Rules, part 4626.0020, subpart 70; and a self-contained unit, in which food is stored, cooked, and prepared for direct sale to the consumer.
 2. Operated in conjunction with a permanent business licensed under Chapter 157 or Chapter 128A of the Minnesota State Statutes at the site of the permanent business by the same individual or company, and readily movable, without disassembling, for transport to another location; and a self-contained unit, in which food is stored, cooked, and prepared for direct sale to the consumer.
 3. Food Cart: A food and beverage service establishment that is a non-motorized vehicle self-propelled by the operator.
 4. Ice Cream Truck: A motor vehicle utilized as the point of retail sales of pre - wrapped or prepackaged ice cream, frozen yogurt, frozen custard, flavored frozen water or similar frozen dessert products.

- B. “Peddler” means any person, whether a resident of the City or not, who goes from house to house, from place to place, or from street to street, conveying or transporting goods, wares or merchandise or offering or exposing the same for sale, or making sales where payment is received immediately for future delivery to purchasers. It does not include vendors of milk, bakery products or groceries who distribute their products to regular customers on established routes.
- C. “Peddling” means the act of being a peddler.
- D. “Solicitor” means any person, whether a resident of the City or not, who goes from house to house, from place to place, or from street to street with the intention of taking immediate orders for services or goods for future delivery and payment. All solicitors dealing with merchandise of any kind to be delivered to customers directly from points outside the State shall be exempt from payment of the license fee.
- E. “Transient merchant” includes any person, firm, individual, corporation, limited liability company, and corporation, both as principal and agent, who engage in, do, or transact any temporary and transient selling and delivering of goods, wares and merchandise within the City, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, trailer, tent, railroad car, boat, public room in hotels, lodging houses, apartments, shops, or any street, alley or other place within the City, for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction, provided that such definition does not include any person, firm or corporation who, while occupying such temporary location, does not sell from stock, but exhibits samples or the purpose of securing orders for future delivery only. The transient merchant excludes mobile food units as defined by this Code and regulated by Section 408.01, Subd. 7.E of this Code.

Section 3. Subd. 3, of Section 408.01, Peddlers, Transient Merchants and Solicitors, of Chapter 4 (Public Protection and General Licensing) is hereby amended as follows:

Subd. 3. Permit Required. It is unlawful for any peddler, solicitor, transient merchant, or mobile food unit to engage in any such business within the City without first obtaining a permit therefor from the City in compliance with the provisions of this Section.

Section 4. Subd. 7 (Restrictions) of Section 408.01 (Peddlers, Transient Merchants and Solicitors) of Chapter 4 (Public Protection and General Licensing) is hereby amended as follows:

- E. 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

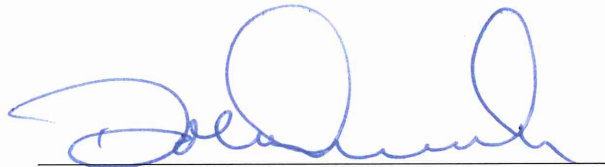
the community during the course of the year, not to exceed twenty-one (21) days per location.

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, 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, 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.
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.
 - 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 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) 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 non-compliance with any conditions as provided in Section 408.01 of the Ordinance, the City reserves the right to revoke the MFU transient merchant license.

Section 5. This ordinance shall be effective immediately upon its passage and publication according to law.

ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DELANO,
MINNESOTA THIS 20th DAY OF October, 2015.



Dale Graunke, Mayor

ATTEST:


Brian Bloch, Finance Director/Clerk

Motion By: Betsy Stolfa
Seconded By: Holly Schrupp
Graunke: Aye
Stolfa: Aye
Russek: Opposed
Franzen: Aye
Schrupp: Aye