

building, or any multiple dwelling capable of housing eight or more families or having 24 or more sleeping rooms above the first floor, or any other person who discovers a fire, smoke, heat or gases indicating that there is a fire in such building, shall immediately call the Fire Department upon the discovery of such fire, smoke, heat or gases in any such building.

- B. No manager or person in control of any structure referred to in this Section shall issue any instructions directing employees not to notify the Fire Department, or instructing them to delay in calling the Fire Department immediately upon the discovery of a fire, smoke, heat or gases indicating that there is or may be a fire.
- C. Each owner, manager or person in control of any structures referred to in this Section shall post, and keep posted, in conspicuous places in the building, a notice in a form approved by the City Fire Chief directing employees and others to call the Fire Department immediately upon the discovery of fire, smoke, heat or gases indicating that there is or may be a fire.

SECTION 416.01. MINNESOTA STATE BUILDING CODE.

Subd. 1. Building Code Adopted by Reference. The Minnesota State Building Code, as adopted by the Minnesota Department of Labor and Industry pursuant to Minnesota Statutes § 326B.101 through 326B.194, including all of the amendments, rules and regulations established, adopted and published from time to time by the Minnesota Department of Labor and Industry, is hereby adopted by reference with the exception of the optional chapters, unless specifically adopted in this Section or amendments to this Section. The Minnesota State Building Code is hereby incorporated in this Section as if fully set forth. The following optional chapters are hereby adopted and incorporated in this Section as if fully set forth in 1306: Special Fire Protection Systems: 1306.0020, Subdivision 3 – New Buildings.

Subd. 2. Application, Administration and Enforcement. The application, administration, and enforcement of the Code shall be in accordance with the Minnesota State Building Code. The code shall be enforced within the extra territorial limits permitted by Minnesota Statutes 16B.62, Subd. 1, but only if established by an amending ordinance.

The Code Enforcement Agency of Delano is the Delano City Council.

This Code shall be enforced by the Delano Building Official, or the Building Official's designee. The Delano Building Official is the Minnesota Certified Building Official designated by Delano to administer the Code (Minnesota Statute 326B.133).

Subd. 3. Permits and Fees. The issuance of permits and the collection of fees shall be as authorized in Minnesota Rules Parts 1300.0120 and 1300.0160 and accordance with the Delano fee ordinance, No.O-05-11. In addition, a surcharge fee shall be collected on all permits issued for work governed by this Code in accordance with Minnesota Statute 326B.148.

Subd. 4. Building Code Optional Chapter Regarding Fire Suppression Systems. The Minnesota State Building Code permits Delano to adopt by reference and enforce optional

chapters of the most current addition of the Minnesota State Building Code. Delano elects to adopt by reference and enforce Minnesota Rules, Chapter 1306, regarding special fire protection systems, as amended from time to time, Delano selects Subpart 3 of Minnesota Rules Section 1306.0020.

SECTION 417.01. TEMPORARY OUTDOOR SALES.

Subd. 1. Definition. As used in this Section, the term “temporary outdoor sales” means a short-term sidewalk sale, holiday tree sale, seasonal supply sale, or special event sale, conducted by businesses, civic organizations or nonprofit organizations that does not meet the definition of a “transient merchant” under Section 409.01, Subd. 2D

Subd. 2. License Required. No person, business, civic organization or nonprofit group shall engage in the operation of a temporary outdoor sale without first procuring a license to engage in such business as herein provided.

Subd. 3. Application, Fee and License Period. Application for a temporary outdoor sale license shall be made to the Clerk of the City on a form to be provided by the Clerk. Each person or private business may be issued only two such permits per year. Civic organization or nonprofit groups are not limited in the number of permits they may receive. Should an individual or private business participate in a sale organized by a civic organization or nonprofit group, it will not count against the limit of two permits per year. Each permit shall be valid for not more than fourteen consecutive days. The fee for such license shall be established by City Resolution.

Subd. 4. Operation. No license shall be issued unless the applicant provides proof of the following.

- A. The temporary outdoor sale is ancillary and subordinate to the principal use of the property.
- B. The temporary outdoor sale is compatible with the principal use of the property.
- C. The sales/activity area shall be located on a single lot, and shall be geographically defined on a site plan.
- D. The Sales/activity area, including temporary structures such as tents may not be located within any easement area, and must be set at least five feet back from all property lines within all zoning districts, with the exception to the B-5 district, where there are no such setback requirements.
- E. There shall be no interference with on-site circulation, parking or loading.
- F. All signage must comply with the City Sign Ordinance.
- G. The applicant must provide proof of insurance to cover the temporary outdoor sale.