

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.

- H. The applicant must provide a plan for garbage handling.
- I. If food is served at the temporary outdoor sale it shall comply with all applicable health regulations and shall be prepared with the least possible manual contact and in such a manner as to prevent cross-contamination of products. Only suitable utensils or equipment, which prior to use have been cleaned, rinsed and sanitized to prevent cross-contamination, shall be used in food preparation.
- J. In the event that food is served, restroom facilities must be provided.

Subd. 5. Responsibility of Operation. All licensees shall comply with the terms of their license and with the provisions of this Section. Any licensee hereunder shall be held responsible for nuisances emanating from the licensed operation and the licensee shall not permit waste or debris to be deposited on any public or private property or on the licensee's own property.

SECTION 418.01 GARAGE AND YARD SALES

The following rules shall apply to garage and yard sales located within City limits:

1. Each residential property is limited to 4 garage sales during any consecutive 12 month period.
2. No garage or yard sale shall exceed a period of 72 consecutive hours.
3. Garage or yard sale signs shall not be affixed to utility poles, traffic sign poles, or street signs and shall not be located on medians or in any public right-of-way.
4. The operator of any garage or yard sale shall be allowed 8 off-site signs and 1 on-site sign during the garage or yard sale which must be removed when the sale is complete.
5. Garage or yard sale signs may be up to 6 square feet and 4 feet high. Signs must be located five feet from the curb or shoulder of a road.
6. Items sold at any garage or yard sale shall not include motor vehicles, new merchandise, consignment items or resale items.

SECTION 419.01. PAWNBROKERS

Subd. 1. Purpose. The purpose of this Section is to prevent pawnbroking businesses from being used as facilities for the commission of crime and to assure that such businesses comply with basic consumer protection standards thereby protecting the public health, safety and general welfare of the citizens of the City. The City Council finds that consumer protection regulation is warranted in transactions involving pawnbrokers.