

**CITY OF BELLE PLAINE
ORDINANCE 19-09**

**AN ORDINANCE REPEALING AND REPLACING CHAPTER 109.00 OF THE CITY CODE
PERTAINING TO CRIMINAL HISTORY BACKGROUND CHECKS FOR EMPLOYMENT
AND LICENSE APPLICANTS.**

THE CITY COUNCIL OF THE CITY OF BELLE PLAINE ORDAINS:

Section 1. Chapter 109.00 of the City Code pertaining to Criminal History Background Checks for Employment and License Applicants is hereby repealed in its entirety and replaced with the following:

109.00 CRIMINAL HISTORY BACKGROUND CHECKS FOR EMPLOYMENT AND LICENSE APPLICANTS

- 109.01 Purpose
- 109.02 Authorization for Criminal History Employment Background Checks
- 109.03 Authorization for Criminal History Licensing Background Checks
- 109.04 Written Release and Consent Required
- 109.05 Maintenance of Data
- 109.06 Disqualification / Required Disclosure

109.01 PURPOSE

The purpose and intent of this Section is to establish guidance to the city's police department when accessing Minnesota's criminal history information database for purposes of employment and licensing background checks under Minn. Stat. § 299C.72.

109.02 AUTHORIZATION FOR CRIMINAL HISTORY EMPLOYMENT BACKGROUND CHECKS

Consistent with the provisions of Minn. Stat. § 299C.72, the Belle Plaine Police Department will conduct a criminal history background investigation on the applicants for the following positions within the city, unless the city's hiring authority concludes that a background investigation is not needed:

Employment positions:

1. All regular, part-time and full-time employees of the City of Belle Plaine and other positions that work with children or vulnerable adults.
2. Applicants who are finalists for paid or volunteer positions within the City of Belle Plaine.
3. Where the City Administrator has determined that conviction of a crime may relate directly to the position sought.
4. This can, but does not need to include sworn police positions as the background check for this position is a requirement and authorized by Minn. Stat. 626.87 Subd. 1.

109.03 AUTHORIZATION FOR CRIMINAL HISTORY LICENSING BACKGROUND CHECKS.

Consistent with the authority provided in Minn. Stat. Sec. 299C.72, the Belle Plaine Police Department will conduct a criminal history background investigation on the applicants for the following licenses within the city

City licenses:

1. Liquor Licenses
2. Massage Therapists
3. Vendors / Peddlers / Transient Merchants
4. Tattoo Shops
5. Pawn shops

109.04 WRITTEN RELEASE AND CONSENT REQUIRED

Before the investigation is undertaken, the applicant must authorize the Police Department by written consent to undertake the investigation. The written consent must fully comply with the provisions of Minn. Stat. Ch. 13 regarding the collection, maintenance, and use of the information. Except for the positions set forth in Minn. Stat. § 364.09, the city will not reject an applicant for employment on the basis of the applicant's prior conviction unless the crime is directly related to the position of employment sought and the conviction is for a felony, gross misdemeanor, or misdemeanor with a jail sentence. If the city rejects the applicant's request on this basis, the city shall notify the applicant in writing of the following:

- A. The grounds and reasons for the denial.
- B. The applicant complaint and grievance procedure set forth in Minn. Stat. §364.06.
- C. The earliest date the applicant may reapply for employment.
- D. That all competent evidence of rehabilitation will be considered upon reapplication.

109.05 MAINTENANCE OF DATA

In conducting the criminal history background investigation in order to screen license applicants, the Police Department is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehension's criminal history information systems data base in accordance with Minn. Stat. §299C.72. Any data that is accessed and acquired shall be maintained at the Police Department under the care and custody of the chief law enforcement official or his or her designee. A summary of the results of the criminal history data may be released by the Police Department to the licensing authority, including the City Council, the City Administrator, or other city staff involved in the license approval process.

109.06 DISQUALIFICATION/REQUIRED DISCLOSURE

Before the investigation is undertaken, the applicant must authorize the Police Department by written consent to undertake the investigation. The written consent must fully comply with the provisions of Minn. Stat. Ch. 13 regarding the collection, maintenance, and use of the information. Except for the positions set forth in Minn. Stat. § 364.09, the city will not reject an applicant for a license on the basis of the applicant's prior conviction unless the crime is directly related to the license sought and the conviction is for a felony, gross misdemeanor, or misdemeanor with a jail sentence. If the city rejects the applicant's request on this basis, the city shall notify the applicant in writing of the following:

- A. The grounds and reasons for the denial.
- B. The applicant complaint and grievance procedure set forth in Minn. Stat. § 364.06.
- C. The earliest date the applicant may reapply for the license.
- D. That all competent evidence of rehabilitation will be considered upon reapplication.

Section 2. This Ordinance shall become effective upon publication in the official newspaper of the City.

Passed and duly adopted by the City Council of the City of Belle Plaine this 5th day of June, 2019.

BY: _____
Christopher G. Meyer, Mayor

ATTEST:

Dawn Meyer, City Administrator