

11.52 LICENSE BACKGROUND CHECKS

11.52.010 Purpose

11.52.020 Criminal History License Background Investigations

11.52.030 Investigation Fee

HISTORY

Renumbered by Ord. [483](#) on 9/6/2022

11.52.010 Purpose

The purpose and intent of this chapter is to establish regulations that will allow law enforcement access to Minnesota's computerized criminal history information for specified non-criminal purposes of licensing background checks.

HISTORY

Renumbered by Ord. [483](#) on 9/6/2022

11.52.020 Criminal History License Background Investigations

1. The Police Department is hereby required, as the exclusive entity within the city, to do a criminal history background investigation on the applicants for the following licenses within the city:
 1. Peddlers, solicitors and transient merchants;
 2. Tobacco;
 3. Intoxicating liquor;
 4. Wine and 3.2% malt liquor;
 5. ~~Liquor pawnbrokers~~;
 6. Pawnbrokers and Ssecond-hand goods dealers;
 7. ~~Dealer vehicles for hire~~;
 8. ~~Sauna~~;
 9. Massage services;
 10. Sexually oriented business;
 11. Lawful gambling premises;
 12. ~~Permit bingo hall~~;
 13. Kennel license; and
 14. Used motor vehicle~~car~~ dealership.
2. *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 Apprehensions Computerized Criminal History information system in accordance with BCA policy. 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 and shall be classified and handled in accordance with M.S. Ch. 13, as it may be amended from time to time. A summary of the results of the Computerized 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.
3. 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 M.S. Ch. 13, as it may be amended from time to time, regarding the collection, maintenance and use of the information. The City shall evaluate an applicant's criminal history in accordance with M.S. Ch. 364, as it may be amended from time to time. A license may be denied based on criminal history only if the conviction is directly related to the licensed activity and the applicant has not demonstrated sufficient rehabilitation and present fitness to perform the duties of the licensed activity. ~~Except for the positions set forth in M.S. § 364.09, as it may be amended from time to time, 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:

1. The ground and reasons for the denial;
2. The applicant ~~complaint~~compliant and grievance procedure set forth in M.S. § 364.06, as it may be amended from time to time;
3. The earliest date the applicant may reapply for the license; and
4. That all competent evidence of rehabilitation will be considered upon reapplication.

HISTORY

Amended by Ord. [483](#) on 9/6/2022

Amended by Ord. [488](#) on 8/7/2023

11.52.030 Investigation Fee

~~Upon application, the potential licensee must pay an investigation fee which shall be set from time to time by Council resolution to cover the cost of the investigation.~~Upon submission of an application, the applicant shall pay a background investigation fee in an amount established by the City's ordinance establishing fees and charges, as may be amended from time to time. The fee shall be nonrefundable and shall cover the cost of conducting the investigation. No application shall be deemed complete, and no investigation shall commence, until the required investigation fee has been paid.

HISTORY

Renumbered by Ord. [483](#) on 9/6/2022