

Chapter 16

LAW ENFORCEMENT*

Article I. In General

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Article II. Criminal History Background Investigations

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***Cross reference(s)**--Administration, ch. 2; offenses and miscellaneous provisions, ch. 18; traffic and vehicles, ch. 30.

State law reference(s)--Police officer retirement, M.S.A. ch. 423.

ARTICLE I. IN GENERAL

Secs. 16-1--16-30. Reserved.

ARTICLE II. CRIMINAL HISTORY BACKGROUND INVESTIGATIONS**Sec. 16-31. License applicants.**

(a) *Purpose and intent.* It is the purpose and intent of the city council to provide for the public health, safety and welfare of city residents by providing a system at the local level for criminal history background investigations of all applicants for certain licenses as identified by the city manager.

(b) *Consent/waiver form.* The city may obtain information needed to conduct such investigation on a city-approved license application which shall also include an informed consent/waiver form executed by the prospective licensee.

(c) *Police department to perform investigations.* The city council authorizes the city police department to perform criminal history background investigations on applicants for those licenses identified by the city manager by retrieving and reviewing data maintained in the criminal justice information system computers.

(Res. No. 00-003, 1-3-2000)

Sec. 16-32. Managers; tenants.

(a) **Definitions.** The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Background check means a search of the criminal history data maintained in the criminal justice information system computers.

Informed consent/waiver form means a consent/waiver form approved by the city and meeting the requirements of M.S.A. § 13.05, subd. 4(d), as amended.

Manager means an individual who is hired or is applying to be hired by an owner and who has or would have the means, within the scope of the individual's duties, to enter tenants' dwelling units. The term "manager" does not include a person who is hired on a casual basis and not in the ongoing course of the business of the owner.

Rental property designee means the owner or manager of rental property located within the city which has received a request from a prospective tenant to reside in rental property.

Tenant means an individual who is occupying or is applying to occupy a dwelling, under any agreement, whether oral or written, and for whatever period of time, which requires the payment of money as rent for the use of the dwelling, and all other regular occupants of that dwelling, and any resident of a manufactured home park.

Owner means the owner of rental property, or any other person, firm or corporation directly or indirectly in control of rental property.

(b) *Purpose and intent.* It is the purpose and intent of this section to protect and preserve the city's neighborhoods, and to protect the overall public health, safety, welfare and morale of city residents by providing a system at the local level for background checks of managers and tenants of rental property through use of the criminal history data maintained in the criminal justice information system computers.

(c) *Manager and tenant background check.* A rental property designee may request the police department to conduct a background check on a manager of rental property or a tenant. The request shall be on a form approved by the city and accompanied by an informed consent/waiver form executed by the manager or tenant. The police department shall perform the background check by retrieving data maintained in the criminal justice information system computers.

(d) *Fees.* All requests under subsection (c) of this section shall be accompanied by a fee to be fixed and determined by the city council. The fee may, from time to time, be amended by the city council by resolution.

(e) *City immunity.* The city is immune from any civil or criminal liability that might otherwise arise, based on the accuracy or completeness of records it receives from the criminal justice information system computers, if the city acts in good faith.

(Ord. No. 2142-99, § 1, 8-2-1999)

Sec. 16-33. Volunteers and new city employees.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Background check means a search of the criminal history data maintained in the criminal justice information system computers.

Informed consent/waiver form means a consent/waiver form approved by the city and meeting the requirements of M.S.A. § 13.05, subd. 4(d), as amended.

(b) *Purpose and intent.* It is the purpose and intent of this section to ensure safe park and recreation programs, and to protect the overall public health, safety, welfare and morale of city residents by providing a system at the local level for background checks of city volunteers and new city employees through use of the criminal justice information system computers.

(c) *City volunteer background check.* The city manager considering use of a volunteer may request the police department to conduct a background check on a prospective volunteer for any city sponsored event or for any volunteer position with the city. The request shall be accompanied by an informed consent/waiver form executed by the prospective volunteer. The police department shall perform the background check by retrieving and reviewing data maintained in the criminal justice information system computers.

(d) *New employees.* The city manager may request the police department to conduct a background check on a prospective new employee. The request shall be accompanied by an informed consent/waiver form executed by the prospective employee. The police department shall perform the background check by retrieving and reviewing data maintained in the criminal justice information system computers.

(e) *City immunity.* The city is immune from any civil or criminal liability that might otherwise arise, based on the accuracy or completeness of records it receives from the criminal justice information system computers, if the city acts in good faith.

(Ord. No. 2142-99, § 2, 8-2-1999)

Sec. 16-34. Background investigations conducted upon request of a school hiring authority.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

School means a public school, as defined in M.S.A. § 120.05, or a nonpublic school, church or religious organization in which a child is provided compulsory instruction in compliance with M.S.A. §§ 120.101 and 120.102, and includes a school receiving tribal contract or grant school aid under M.S.A. § 124.86.

School hiring authority means the school principal or other person having general control and supervision of the school.

(b) *Request.* Upon the request of a school hiring authority of a school located in the city, the chief of police or designee may conduct a criminal history background investigation on an individual who has been offered employment by the school.

(c) *Application and fees.* The request for a criminal history background investigation must contain a release form provided by the school and the applicant for employment, and a fee for conducting the background investigation. The fee shall be as established from time to time by resolution of the city council.

(d) *Procedure.* If the chief of police or designee elects to proceed, the background investigation shall be conducted by retrieving criminal history data maintained in the criminal justice information system computers.

(e) *Responsibility of school.* The chief of police or designee shall respond to a background investigation request within a reasonable time after receiving a completed application. It is the responsibility of the school to determine if the applicant qualifies as an employee or volunteer.

(Code 1976, § 7-201)

Sec. 16-35. Administrative fee in certain vehicle forfeiture cases.

All vehicles seized by the City for forfeiture pursuant to Minn. Stat. Sec. 169A.63 that are subsequently released to a secured party or lessor as part of a forfeiture mitigation agreement with the City shall be assessed an administrative fee, payable to the City prior to release of the vehicle. This fee shall be assessed in addition to, and shall not limit the City's right to assess and recover other costs incurred by the City in seizing and holding the vehicle, such as towing and storage fees. The fee shall be set from time to time by the City and included in the schedule of fees listed as Appendix A to the City code.

(Ord. No. 2292-05, 6-21-2005)