

Strikethrough Version

City of Woodbury

Washington County, Minnesota

Ordinance No. To Be Determined

**An Ordinance of the City of Woodbury, Washington County, Minnesota
Amending Chapter 11, Licenses, Permits and Miscellaneous Business
Regulations, Article I – License Background Checks**

The City Council of the City of Woodbury, Washington County, Minnesota does ordain:

Section One. Amendment: That Chapter 11, Licenses, Permits and Miscellaneous Business Regulations, Article I – License Background Checks be amended to delete the same in its entirety and substitute the following therefore:

Article I. - License and registration Background Checks

Sec. 11-1. - Applicants for city licenses and registration.

Purpose: The purpose and intent of this section 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.

Sec. 11-2. - Criminal history background investigations.

The Woodbury Public Safety Department is hereby authorized, as the exclusive entity within the city, to do a criminal history background investigation on the applicants for the following licenses and registrations within the city:

Lawful gambling premise permits;

Liquor licenses;

Massage therapy business;

Massage therapist;

Mobile vendor driver registration;

Pawnbroker/precious metal licenses;

Peddler licenses;

Small vehicle passenger services licenses;

Solicitor registration;

Taxicab licenses;

Tobacco licenses;

In conducting the criminal history background investigation on license and registration applicants, the public safety department is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehensions Computerized Criminal History information system in accordance with BCA policies as are established from time to time. Any data that is accessed and acquired shall be maintained at the public safety department under the care and

custody of the public safety director or designee. A summary of the results of the computerized criminal history data may be released by the public safety department to the licensing authority, including the city council, the city clerk, or other city staff involved in the license approval process.

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 regarding the collection, maintenance and use of the information.

All licenses and registration under this chapter shall have a continuing obligation as a condition of the license or registration to report to the city clerk the issuance of a complaint for or conviction on any criminal charges for offenses identified within the eligibility sections of this code for which the licensee or registrant is the named party within a judicial proceeding. All such reports shall be due in writing within 48 hours of any charge, complaint or pleading being served upon the licensee or registrant. Failure to report to the city clerk as required herein shall be grounds for license or registration revocation.

Any individual found in violation of any provision of this article shall be guilty of a misdemeanor.

Section Two Severability

In the event that a court of competent jurisdiction adjudges any part of this chapter to be invalid, such judgment shall not effect any other provision of this Chapter not specifically included within the judgment.

Section Three Effective Date

This ordinance becomes effective on the date of its publication, or upon the publication of a summary of the ordinance as provided by Minn. Stat. § 412.191, Subd. 4, as it may be amended from time to time, which meets the requirements of Minnesota Statute Section 331A.01, Subd. 10, as it may be amended from time to time.

Passed and adopted by the City Council of the City of Woodbury, Washington County, Minnesota this 13th day of January, 2021.

Attest:

Anne W. Burt, Mayor

Clinton P. Gridley, City Administrator

(SEAL)