

**ORDINANCE 244**

**AN ORDINANCE RELATING TO CRIMINAL HISTORY BACKGROUNDS FOR CITY EMPLOYEES, APPOINTEES, AND LICENSEES**

WHEREAS, to promote the public safety, health and welfare of the City of Arlington;

THE CITY COUNCIL OF THE CITY OF ARLINGTON, MINNESOTA, DOES ORDAIN AS FOLLOWS:

**SECTION 1. CRIMINAL HISTORY BACKGROUND.**

The Arlington Police Department is authorized to do a criminal history background investigation on applicants for positions with the city. This chapter applies only to applicants who are finalists for all paid positions, whether salary or by the hour. Before the investigation is undertaken, the applicant must authorize the Police Department in writing to undertake the investigation and to release the information to the City Council, City Administrator and other city staff as appropriate. Except in the case of exceptions set forth in Minnesota Statutes Section 364.09 as it may be amended from time to time, should the City reject the applicant's request for employment due partially or solely to the applicant's prior conviction of a crime, the City Administrator 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 Minnesota Statutes Section 364.06.
- C. The earliest date the applicant may reapply for employment.
- D. That all competent evidence of rehabilitation will be considered upon reapplication.

**SECTION 2. APPLICATION FOR LICENSE OR PERMIT/ISSUANCE.**

Every applicant for a license shall submit an application to the City Administrator on a form provided by the City. It shall be accompanied by payment of the prescribed fee.

- A. Criminal History Background: When applicable, the Arlington Police Department is authorized to do a criminal history background investigation on applicants for city licenses. Before the investigation is undertaken, the applicant must authorize the Police Department in writing to undertake the investigation and to release the information to the City Council, City Administrator and other city staff as appropriate.
- B. Issuance: If, after investigation, the City Administrator is satisfied that all requirements of law and this Ordinance have been met, the Administrator shall present the application to the Council for action, or, if the license or permit does not require Council approval, the Administrator shall issue the license or permit.
- C. Denial for Background: Except in the case of exceptions set forth in Minnesota Statutes Section 364.09 as it may be amended from time to time, should the City deny the applicant's request for a license, due partially or solely to the applicant's prior conviction of a crime, the City Administrator shall notify the applicant in writing of the following:

1. The grounds and reason for denial.
2. The applicant complaint and grievance procedure set forth in Minnesota Statutes Section 364.06.
3. The earliest date the applicant may reapply for a license.
4. That all competent evidence of rehabilitation will be considered upon reapplication.

This ordinance shall become effective immediately upon passage and publication.

For City of Arlington:

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By James R. Kreft  
It's Mayor

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By Matthew Jaunich  
It's City Administrator

First Reading: May 4, 2009  
Second Reading: May 18, 2009  
Adopted: May 18, 2009  
Publication: May 28, 2009