

CHAPTER 1
CITY COUNCIL AND LEGISLATION

SECTION 1

101.000. **ADOPTION OF MUNICIPAL CODE.**

101.001. **ADOPTION OF CODE.** The Ordinances of the City of Winsted are hereby revised and codified. Such codification is hereby adopted as the Municipal Code of the City of Winsted.

101.002. **SUBSEQUENT ORDINANCES.** Ordinances passed after the effective date of this Code shall be passed as amendments or additions to this Code (unless they are of limited or special application or are otherwise deemed to be not a part of this Code). Such Ordinances shall be incorporated into this Code.

101.003. **CONSECUTIVE NUMBERING TO CONTINUE.** Consecutive chronological numbering of all Ordinances as passed shall continue. Following the passage of such Ordinance, the City Clerk shall incorporate the Ordinance into the provisions of the Municipal Code.

101.004. **SEPARABILITY.** If any chapter, section, sentence, clause or other part of the Municipal Code of the City of Winsted shall be adjudged void or of no effect, for any reason whatsoever, said decision shall not affect the validity of any other portions of the Code.

101.005. **REPEAL OF ORDINANCES.** All ordinances heretofore passed and adopted by the City Council of the City of Winsted are hereby repealed except for the following ordinances, which are special or limited in application or those which are otherwise retained in their original form and renumbered and made part of the Winsted Code of 1996 as specified.

Annexations: Ordinance No. 15
 Ordinance No. 22
 Ordinance No. 23
 Ordinance No. 92-05
 Ordinance No. 92-01
 Ordinance No. 91-05
 Ordinance No. 91-01
 Ordinance No. 89-06
 Ordinance No. 88-07
 Ordinance No. 88-06
 Ordinance No. 83-11
 Ordinance No. 81-04
 Ordinance No. 81-07
 Ordinance No. 81-04
 Ordinance No. 81-01
 Ordinance No. 77-03
 Ordinance No. 75-04
 Ordinance No. 74-03

Ordinance No. 73-05
Ordinance No. 73-04
Ordinance No. 69-05
Ordinance No. 65-04
Ordinance No. 60-03
Ordinance No. 94-03
Ordinance No. 94-04
Ordinance No. 96-01
Ordinance No. 96-02
Ordinance No. 96-03

101.006. **PENALTY - MISDEMEANOR.** Any person violating any provision of this Code shall be guilty of such an offense and subject to such penalty as is provided in the applicable provisions of this Code. In the event any section of this Ordinance fails to state the penalty for a violation of any such provision of this Ordinance, then said penalty shall be a Misdemeanor which, upon conviction thereof, shall be sentenced to not more than 90 days or a fine of not more than \$700.00, or both.

101.007. **PUBLICATION OF CODE AND EFFECTIVE DATE.** This codification of the Municipal Code of the City of Winsted, together with all indexes, supplements, appendices or other material as the Council may designate, shall be published in book or pamphlet form and a substantial quantity of copies shall be printed and available at the office of the City Clerk for general distribution to the public upon payment of a reasonable price. The Municipal Code shall become operative and effective as soon as the City Clerk shall publish a notice in an official newspaper of the City stating that the Code has been passed and that printed copies of the Municipal Code are available at the offices of the City Clerk for general distribution upon payment of a reasonable price.

SECTION 2

102.000. **CITY COUNCIL MEETINGS.**

102.001. **Regular Meetings.** The regular meetings of the City Council shall be held on the first and third Tuesdays of each calendar month, commencing in the meeting room, Winsted City Hall, Winsted, Minnesota at the hour of 6:00 P.M.

(Ord. 93-04, Sec. 1, 07/20/93)

(Amended by Ord. 07-02 on 2/6/07)

102.002. **REPEAL.** To the extent any other Ordinance of the City of Winsted which is inconsistent with this Ordinance, the same is repealed.

SECTION 3

103.000. **MAYOR AND CITY COUNCIL SALARIES.**

103.001. **SALARIES.** Commencing with the month of January, 1999, the base salary of the Mayor of the City of Winsted is fixed at \$225.00 per month, and the base salary of each Council Member is fixed at \$195.00 per month, in addition to which the Mayor and Council members shall be paid the sum of \$25.00 for each special meeting attended in excess of two regular scheduled City Council meetings each month and regularly scheduled Work Sessions taking place immediately prior or post City Council meetings.

103.002. **HISTORY OF REPEALS.** Section 2 of Ordinance No. 93-04 and all Sections of Ordinances 65-04, 66-02, 67-03, 78-03 and 88-01 have been repealed.

103.003. **SALARY ADJUSTMENT FOR NON-ATTENDANCE.** If the Mayor or a City Council Member fails to be present at three or more of the scheduled regular meetings in any given calendar year, the total compensation payable to such Mayor or Council Member shall be reduced by the percentage of the regular meetings missed in such year. Also, if the Mayor or a City Council Member fails to notify City Staff that they will not be present at the Council Meeting by 2:00 p.m. the day of the scheduled regular meeting, they will automatically lose payment for that meeting.

103.004. **SPECIAL MEETING PAYMENT WAIVED.** At the request of the Mayor or Council Member, payment for special meeting attendance may be waived by written request.

SECTION 4

104.000. **ELECTION DATE.**

104.001. **Date of Election.** The regular City election shall be held biennially on the first Tuesday after the first Monday in November in every even-numbered year beginning with the 1974 election.

(Ord. 74-04, Sec. 1, 7/16/74)

104.002. **History of Repeals.** Section of Ordinances' 60-04 and 74-02 dealt with the date of elections and are repealed.

SECTION 5

105.000. **TERMS OF OFFICE.**

105.001. **Extension of Term.** The term of the council member whose current term will expire on the first business day of January, 1976 is extended to the first business day of January, 1977, and that office shall be filled at the 1976 city election.

(Ord. 74-04, Sec. 2, 7/16/74)

105.002. **Reduction of Term.** The term of the present Mayor, which will otherwise expire on the first business day of January, 1976, pursuant to the request of said Mayor, shall be shortened by one year so that his term shall expire on the first business day of January, 1975, and that office shall be filled at the 1974 city election.

(Ord. 74-04, Sec. 3, 2/16/74)

105.003. **Terms of Transition.** Two council members shall be elected for four-year terms at each biennial election commencing in 1978. One councilman shall be elected for a four-year term at the 1974 city election. Of the three councilmen to be elected at the 1976 election, the two candidates receiving the highest number of votes shall serve for terms of four years and the one receiving the third highest number of votes shall serve for a term of two years. The Mayor shall be elected for a two-year term at each such election commencing in 1974.

(Ord. 74-04, Sec. 4, 2/16/74)

105.004. **History of Repeals.** Sections 2,3, and 4 of Ordinance 74-02 have been repealed.

SECTION 6

106.000. **CITY OF WINSTED FEE SCHEDULE.**

106.001. **FEE SCHEDULE.** The City Council of the City of Winsted hereby adopts a Fee Schedule setting forth fees for City services, licenses, permits and/or any other items not otherwise designated, as follows:

| PLANNING & ZONING | |
|---|---------------------|
| VARIANCE | \$255.00 |
| CONDITIONAL USE PERMIT | \$255.00 |
| RE-ZONING | \$510.00 |
| MAJOR SUBDIVISION | \$1,020.00 |
| MINOR SUBDIVISION | \$102.00 |
| SITE PLAN REVIEW | \$127.50 |
| ORDINANCE AMENDMENT | \$306.00 |
| COMPREHENSIVE PLAN AMENDMENT | \$510.00 |
| CONCEPT PLAN REVIEW | \$255.00 |
| PARK DEDICATION – PER UNIT | \$1,224.00 |
| PARK DEDICATION – PER ACRE - C/I | \$1,428.00 |
| ANNEXATION | \$3,060.00 |
| SIGN PERMIT | \$50.00 |
| SIGN IMPOUNDMENT FEE | \$50.00 |
| ADMINISTRATIVE PERMIT | \$51.00 |
| ALTERNATIVE ENERGY PERMIT | \$30.60 |
| EXTERNAL SOLID FUEL-FIRED HEATING DEVICE PERMIT | \$30.60 |
| ZONING LETTER | \$51.00 |
| MUNICIPAL DEVELOPMENT GROUP REVIEW | PER CONTRACT |
| BOLTON & MENK REVIEW | PER CONTRACT |
| PLANNED UNIT DEVELOPMENT | \$510.00 |
| DRAINAGE AND/OR UTILITY EASEMENT VACATION | \$408.00 |
| | |
| ANIMAL | |
| DOG LICENSES | \$10.00 |
| REPLACEMENT DOG LICENSES | \$5.10 |
| NO DOG LICENSE | \$60.00 |
| IMPOUND FEE | |
| WITH LICENSE | \$25 + Vet Charges |
| WITHOUT LICENSE | \$100 + Vet Charges |
| DOG BARKING | |
| FIRST OFFENSE | \$60.00 |
| SECOND OFFENSE | \$100.00 |
| THIRD OFFENSE | COURT DATE |

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| DOG-AT-LARGE | |
| FIRST OFFENSE | \$60.00 |
| SECOND OFFENSE | \$100.00 |
| THIRD OFFENSE | COURT DATE |
| KEEPING A KENNEL | |
| FIRST OFFENSE | \$60.00 |
| SECOND OFFENSE | \$100.00 |
| THIRD OFFENSE | COURT DATE |
| FAILURE TO CLEAN-UP PET FECES | |
| FIRST OFFENSE | \$50.00 |
| SECOND OFFENSE | \$100.00 |
| THIRD OFFENSE | COURT DATE |
| OTHER, NOT SPECIFIED | IMPOUNDMENT |
| LIQUOR, ON-SALE | |
| ON-SALE LIQUOR LICENSE | \$2,600.00 |
| CLUB LIQUOR LICENSE | |
| UNDER 200 MEMBERS | \$300.00 |
| 201-500 MEMBERS | \$500.00 |
| 501-1,000 MEMBERS | \$650.00 |
| 1,001-2,000 MEMBERS | \$800.00 |
| 2,001-4,000 MEMBERS | \$1,000.00 |
| 4,001-6,000 MEMBERS | \$2,000.00 |
| 6,000 OR MORE MEMBERS | \$3,000.00 |
| SUNDAY LIQUOR LICENSE | \$200.00 |
| 3.2 PERCENT MALT LIQUOR | \$500.00 |
| 3.2 PERCENT MALT LIQUOR, PER DAY | \$25.00 |
| 1 TO 4-DAY TEMPORARY LIQUOR LICENSE, PER DAY | \$75.00 |
| BREW PUB | \$500.00 |
| BREW PUB, SUNDAY | \$200.00 |
| BREWER, TAPROOM | \$500.00 |
| BREWER, TAPROOM, SUNDAY | \$200.00 |
| MICRODISTILLERIES, (COCKTAIL ROOM) | \$500.00 |
| WINE | \$1,300.00 |
| CULINARY CLASS | \$300.00 |
| LIQUOR, OFF-SALE | |
| OFF-SALE LIQUOR LICENSE | \$200.00 |
| OFF-SALE LIQUOR LICENSE, BEST PRACTICES PARTICIPANT | \$100.00 |
| 3.2 PERCENT MALT LIQUOR LICENSE | \$200.00 |
| BREW PUB | \$200.00 |
| BREWER | \$200.00 |

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| SMALL BREWER | \$200.00 |
| SMALL BREWER, GROWLERS | \$100.00 |
| MICRODISTILLERIES | \$200.00 |
| 1 TO 4-DAY WINE, PER DAY | \$75.00 |
| LIQUOR, OTHER | |
| CONSUMPTION AND DISPLAY PERMIT | \$300.00 |
| 1 TO 4 DAY TEMPORARY CONSUMPTION & DISPLAY PERMIT, PER DAY | \$25.00 |
| CATERER PERMIT, PER DAY | \$75.00 |
| LIQUOR ORDINANCE SEMINAR, RESCHEDULE | \$300.00 |
| TOBACCO | |
| TOBACCO LICENSE FEE | \$51.00 |
| EQUIPMENT | |
| STREET SWEEPING, PER HOUR (MIN. 1 HOUR) | \$200.00 |
| TRUCK/SANDING, PER HOUR (MIN. 1 HOUR) | \$150.00 |
| SAND/SALT | MARKET RATE + HOURLY MAIN. |
| PAYLOADER, PER HOUR (MIN. 1 HOUR) | \$200.00 |
| BACKHOE, PER HOUR (MIN. 1 HOUR) | \$200.00 |
| TELEVISED INSPECTION, PER HOUR (MIN. 1 HOUR) | \$200.00 |
| JETTER, PER HOUR (MIN. 1 HOUR) | \$250.00 |
| CONVEYANCE VAC, PER HOUR (MIN. 1 HOUR) | \$250.00 |
| CONES, NON-CITY SPONSORED EVENTS | \$2.00 |
| PICNIC TABLE RENTAL, PER DAY | \$10.00 |
| HOURLY MAINTENANCE, PER EMPLOYEE (MIN. 1 HOUR) | \$51.00 |
| MISC. EQUIPMENT, PER HOUR (MIN. 1 HOUR) | \$50.00 |
| CURB CUT PERMIT | \$25.00 |
| WATER & SEWER | |
| METER INSPECTION | \$35.70 |
| WATER & SEWER INSPECTION | \$76.50 |
| SECOND WATER METER (OUTSIDE ONLY, PERMIT REQUIRED) | MARKET RATE |
| SECOND METER MINIMUM, PER MONTH | \$2.04 |
| METER- STANDARD | MARKET RATE |
| -LARGER THAN 3/4" | MARKET RATE |
| WATER RATE, PER 1,000 GALLONS | \$3.37 |
| WATER MINIMUM, PER MONTH | \$6.11 |
| MAINTENANCE CHARGE, PER MONTH | \$2.04 |
| WATER TAP IN | \$2,550.00 |

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| CLEAN WATER LINES | |
| FIRST HOUR | \$153.00 |
| EACH ADDITIONAL HOUR | \$50.00 |
| SEWER TAP IN | \$3,366.00 |
| SEWER RATE, PER 1,000 GALLONS | \$11.39 |
| SEWER MINIMUM, PER MONTH | \$9.01 |
| WATER DISCONNECT NOTICE | \$51.00 |
| WATER DISCONNECT | \$102.00 |
| WATER RECONNECT | \$102.00 |
| SERVICE CHARGE FOR DELINQUENCY, PER MONTH | \$51.00 |
| VALVE SERVICE - WATER | \$51.00 |
| TRUNK LINE ASSESSMENT RATES | \$4,590.00 |
| LATE PAYMENT FEE | \$5.10 |
| ILLEGAL SANITARY SEWER DISCHARGE, PER MONTH | \$102.00 |
| HAULED WASTEWATER DISCHARGE PERMIT-ANNUAL | \$122.40 |
| RESIDENTIAL SEPTIC TANK DISCHARGE | \$48.99/1,000 gallons |
| RESIDENTIAL HOLDING TANK DISCHARGE | \$35/1,000 gallons |
| INDUSTRIAL HOLDING TANK DISCHARGE | \$50/1,000 gallons |
| BUILDING INSPECTION | |
| RENTAL HOUSING PERMIT, PER DWELLING | \$50.00 |
| RENTAL HOUSING PERMIT TRANSFER | |
| ONE (1) DWELLING UNIT | \$25.50 |
| MULTI-DWELLING UNIT | \$51.00 |
| NEW RESIDENTIAL CONSTRUCTION LANDSCAPING ESCROW | \$1,500.00 |
| POLICE | |
| TRESPASSING | |
| FIRST OFFENSE | \$60.00 |
| SECOND OFFENSE | \$100.00 |
| THIRD OFFENSE | COURT DATE |
| DISCHARGE OF A DEADLY WEAPON | |
| FIRST OFFENSE | \$60.00 |
| SECOND OFFENSE | \$100.00 |
| THIRD OFFENSE | COURT DATE |
| VIOLATION OF CITY PARKS AND RECREATION AREAS RULES OF CONDUCT | |
| FIRST OFFENSE | \$60.00 |
| SECOND OFFENSE | \$100.00 |
| THIRD OFFENSE | COURT DATE |
| LOITERING | |
| FIRST OFFENSE | \$60.00 |

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| SECOND OFFENSE | \$100.00 |
| THIRD OFFENSE | COURT DATE |
| FAILURE TO REMOVE BLIGHT | |
| FIRST OFFENSE | \$60.00 |
| SECOND OFFENSE | \$100.00 |
| THIRD OFFENSE | COURT DATE |
| FAILURE TO REMOVE SNOW AND ICE FROM AN ADJOINING SIDEWALK | |
| FIRST OFFENSE | \$60.00 |
| SECOND OFFENSE | \$100.00 |
| THIRD OFFENSE | COURT DATE |
| DEPOSITING LEAVES, RUBBISH OR OTHER MATERIALS ONTO A CITY STREET | |
| FIRST OFFENSE | \$60.00 |
| SECOND OFFENSE | \$100.00 |
| THIRD OFFENSE | COURT DATE |
| BURNING OF TRASH, REFUSE, RUBBISH OR OTHER MATERIALS | |
| FIRST OFFENSE | \$60.00 |
| SECOND OFFENSE | \$100.00 |
| THIRD OFFENSE | COURT DATE |
| PEDDLING WITHOUT A PERMIT | |
| FIRST OFFENSE | \$60.00 |
| SECOND OFFENSE | \$100.00 |
| THIRD OFFENSE | COURT DATE |
| FIREWORKS VIOLATION (POSSESSION OR USE) | |
| FIRST OFFENSE | \$60.00 |
| SECOND OFFENSE | \$100.00 |
| THIRD OFFENSE | COURT DATE |
| TRAFFIC VIOLATIONS | |
| SPEED | \$60.00 |
| EXHIBITION DRIVING | \$60.00 |
| UNREASONABLE ACCELERATION | \$60.00 |
| STOP SIGN | \$60.00 |
| EQUIPMENT VIOLATION | \$60.00 |
| PARKING VIOLATIONS | |
| FIRE LANE | \$35.00 |
| SNOWBIRD | \$35.00 |
| BLOCKING FIRE HYDRANT | \$35.00 |
| NO PARKING: 2:00 A.M. – 6:00 A.M. | \$20.00 |
| OTHER PARKING VIOLATION | \$35.00 |
| PUBLIC NUISANCES | |
| WEEDS & BLIGHT | \$105.00 |
| AMPLIFIED SOUND IN MOTOR VEHICLE | \$60.00 |
| LOUD PARTY | \$101.00 |

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| CURFEW VIOLATION | \$35.00 |
| DUMPING TRASH | |
| SMALL | \$73.00 |
| LARGE | \$225.00 |
| OPEN FIRE VIOLATION | \$55.00 |
| SNOWMOBILE/ATV/UTV/GOLF CART VIOLATION | \$60.00 |
| OTHER, NOT SPECIFIED | |
| FIRST OFFENSE | \$60.00 |
| SECOND OFFENSE | \$100.00 |
| THIRD OFFENSE | COURT DATE |
| POLICE REPORTS, PER PAGE | \$0.25 |
| POLICE PHOTOGRAPH | \$5.00 |
| COPIES OF DVD'S/CD'S | \$30.00 |
| POLICE TRANSCRIPT-PER HOUR | \$30.00 |
| PRELIMINARY BREATH TESTING (FOR LOCAL RESIDENTS) | |
| PER TEST | \$5.00 |
| PER WEEK | \$25.00 |
| CIVIL STANDBY, PER HOUR (MIN. 1 HOUR) | \$61.20 |
| COURT APPEARANCE, PER APPEARANCE (MIN. 3 HOURS) | OFFICER O.T. RATE + MILEAGE |
| FIREARM STORAGE FEE, PER DAY, PER FIREARM | \$1.00 |
| HAY RIDE PERMIT FEE | \$51.00 |
| MOTORIZED GOLF CART PERMIT | \$51.00 |
| WINSTED VOLUNTEER FIRE DEPARTMENT (WVFD) | |
| WVFD REPORTS, PER PAGE | \$0.25 |
| COURT APPEARANCE, PER HOUR (MIN. 3 HOURS) | \$50.00 |
| AIRPORT | |
| ANNUAL IMPROVEMENT FEE | \$200.00 |
| FUEL FEE, PER GALLON | MARKET RATE |
| HANGAR LEASE-PER SQUARE FOOT | \$0.18 |
| LATE PAYMENT FEE, PER MONTH | \$10.00 |
| HANGAR SWAP FEE | \$50.00 |
| LEASE INITIATION FEE | \$20.00 |
| GENERAL | |
| SPECIAL CITY COUNCIL MEETING | \$400.00 |
| SPECIAL PLANNING COMMISSION MEETING | \$200.00 |
| PARK SHELTER RESERVATION | \$25.00 |
| PARK CAMPING PERMIT | \$25.00 |
| DANCE PERMIT | |

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| PER DANCE | \$10.00 |
| PER YEAR | \$150.00 |
| COPIES, PER PAGE | \$0.25 |
| COLOR COPIES, PER PAGE | \$1.00 |
| FAX TRANSMISSIONS, PER PAGE | \$1.00 |
| SCANNED DOCUMENT, PER PAGE | \$0.25 |
| NSF CHARGE | \$30.00 |
| WEEDS AND GRASS ADMINISTRATIVE FEE | \$76.50 |
| PARK CAPITAL IMPROVEMENT FEE, PER MONTH | \$1.58 |
| CLEANING FEE PER HOUR, CITY HALL | \$26.25 |
| DOCK PERMIT, ANNUAL | \$35.70 |
| VOLLMER ROOM RENTAL | |
| PER HOUR | \$30.60 |
| PER DAY | \$153.00 |
| DAMAGE DEPOSIT | \$76.50 |
| CITY STORAGE RENTAL FEE | |
| PER MONTH | \$10.00 |
| PER YEAR | \$100.00 |
| OTHER CITY FACILITY RENTAL FEE | |
| PER DAY | \$25.00 |
| ELECTION EQUIPMENT RENTAL FEE | |
| M100, PER DAY | \$250.00 |
| AUTOMARK, PER DAY | \$250.00 |
| BALLOT BOX, PER DAY | \$200.00 |
| ELECTRONIC POLL BOOKS, PER BOOK | \$150.00 |
| PEDDLER'S PERMIT/TRANSIENT MERCHANTS | |
| DAY | \$15.00 |
| WEEK | \$40.00 |
| YEAR | \$125.00 |
| BACKGROUND INVESTIGATION | |
| BASIC FEE | \$50.00 |
| PAWNBROKER | \$500.00 |
| PRECIOUS METAL DEALER | \$500.00 |
| PAWNBROKER LICENSE FEE | \$2,000.00 |
| PRECIOUS METAL DEALER LICENSE FEE | \$2,000.00 |
| RIGHT-OF-WAY ACCESS PERMIT | |
| EXCAVATIONS AND GRADING | \$300.00 |
| NON-EXCAVATION (INCLUDING LANDSCAPING AND DRIVEWAY ACCESS) | \$150.00 |
| SOLID WASTE HAULER LICENSE | \$150.00 |
| FIREWORKS PERMIT FEE | \$25.00 |

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| LICENSE TO OPERATE BODY ART ESTABLISHMENT | \$250.00 |
| TAX INCREMENT FINANCING APPLICATION FEE | \$2,500.00 |
| TAX ABATEMENT APPLICATION FEE | \$2,500.00 |

(Ord. 10-11, 12/7/10; Ord. 11-04, 4/5/11; Ord. 11-05, 5/3/11; Ord. 12-01, 1/3/12; Ord. 12-13, 1/18/12; Ord. 13-05, 12/17/13; Ord. 15-01, 1/6/15; Ord. 16-01, 1/5/16; Ord. 17-02, 1/4/17; Ord. 17-04, 2/21/17)

106.002. This Fee Schedule may be amended by ordinance of the City Council from time to time as it so desires.
(Ord. 09-01, 1/20/09)

SECTION 7

107.000. BACKGROUND CHECKS

107.001. EMPLOYMENT BACKGROUND CHECKS

A. APPLICANTS FOR CITY EMPLOYMENT

1. **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 employment background checks for the positions described in paragraph 2; hereinafter.
2. **CRIMINAL HISTORY EMPLOYMENT BACKGROUND INVESTIGATIONS:**
 - a. The Winsted Police Department is hereby required, as the exclusive entity within the city (except in the event of hiring a Chief of Police in which event the City Council shall designate such other city employee or official or other outside agency), to do 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:

All regular part-time or full-time employees of the City of Winsted and other positions that work with children or vulnerable adults

- b. In conducting the criminal history background investigation in order to screen employment 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, which is performed by the McLeod County Sheriff's Office Communications Division. Any data that is accessed and acquired shall be maintained at the Police Department under the care and custody of the Chief of Police or his or her designee. A summary of the results of the Computerized Criminal History data may be released by the Police Department to the hiring authority, including the City Council, the City Administrator, or other city staff involved in the hiring process.
- c. Before the investigation is undertaken, the applicant shall authorize the Police Department by written consent to undertake the investigation. The written consent shall fully comply with the provisions of Minn. Stat. Chap. 13 regarding the collection, maintenance and use of the information. Except for the positions set forth in Minnesota Statutes Section 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:

1. The grounds and reasons for the 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 employment.
4. That all competent evidence of rehabilitation will be considered upon reapplication.

107.002. LICENSE BACKGROUND CHECKS

A. APPLICANTS FOR CITY LICENSES

1. **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.
2. **CRIMINAL HISTORY LICENSE BACKGROUND INVESTIGATIONS:** The Winsted 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:

City licenses:

Peddler and Solicitor

Transient Merchant

Pawn Brokers and Precious Metal Dealers

Liquor

Tobacco

Massage Therapy

Adult Establishments

3. 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 Apprehensions Computerized Criminal History information system in accordance with BCA policy, which is performed by the McLeod County Sheriff's Office Communications Division. Any data that is accessed and acquired shall be maintained at the Police Department under the care and custody of the Chief of Police or his or her designee. 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 the license approval process.
4. Before the investigation is undertaken, the applicant shall authorize the Police Department by written consent to undertake the investigation. The written consent shall fully comply with the provisions of Minn. Stat. Chap. 13

regarding the collection, maintenance and use of the information. Except for the positions set forth in Minnesota Statutes Section 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 Minnesota Statutes Section 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.

(Ord. 09-07, 8/18/09; Ord. 11-08, 8/2/11)