

ORDINANCE NO. 25-09

**CITY OF FALCON HEIGHTS  
RAMSEY COUNTY, MINNESOTA**

**AN ORDINANCE AMENDING CHAPTERS 2 AND 14 OF THE FALCON HEIGHTS  
CITY CODE FOR MASSAGE THERAPIST LICENSING AND  
AMENDING CHAPTER 2 FOR BACKGROUND INVESTIGATIONS  
FOR PEDICAB DRIVERS**

**Section 1.** Section 2-141 of the Falcon Heights City Code is amended by adding the underlined language and removing the ~~striketrough~~ language to read as follows:

*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.

*Criminal history license background investigations.* The St. Anthony Police Department is hereby ~~required~~authorized, 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, solicitor and transient merchant;
- Massage therapist;
- Owners of liquor establishments;
- Pedicab Drivers.

In conducting the criminal history background investigation in order to screen license applicants, the police department is authorized to access data maintained ~~in~~by the Minnesota Bureau of Criminal Apprehension's ~~computerized criminal history information system~~ in accordance with BCA policy and applicable law, including but not limited to Minn. Stat. 299C.77, subd. 2. 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. 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.

Before the investigation is undertaken, the applicant must authorize the police department by written consent to begin the investigation. The written consent must fully comply with the provisions of Minn. Stats. ch. 13 regarding the collection, maintenance and use of the information and Minn. Stat. 299C.77, subd. 2, as applicable. Except for the positions set forth in

Minn. Stats. § 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:

- (1) The grounds and reasons for the denial.
- (2) The applicant complaint and grievance procedure set forth in Minn. Stats. § 364.06.
- (3) The earliest date the applicant may reapply for the license.
- (4) That all competent evidence of rehabilitation will be considered upon reapplication. (Ord. No. 12-08, § 3, 9-26-2012)

**Section 2.** Section 14-146(2) of the Falcon Heights City Code is amended by adding the underlined new subsection (i) to read as follows:

- i. A set of classifiable fingerprints and a criminal history records check consent form for a state and national criminal history background check.

**Section 3.** Section 14-149 of the Falcon Heights City Code is amended by adding the underlined new subsection (8) to read as follows:

- (8) Fails to cooperate with a licensing criminal history background investigation.

**Section 4.** This ordinance is effective immediately upon its passage and publication.

ADOPTED this 10th day of December, 2025, by the City Council of Falcon Heights, Minnesota.

CITY OF FALCON HEIGHTS

BY.   
Randall C. Gustafson, Mayor

ATTEST:

  
Jack Linehan, City Administrator