

TITLE XVI: MISCELLANEOUS POLICIES

Chapter
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Section

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§ 170.01 POLICY FOR ADVERTISING ON THE MARQUEE

(A) The following may be allowed to be advertised on the Marquee in a FIRST COME FIRST SERVED manner. Final approval is with the City Clerk/Administrator and Public Works Director:

(1) City Meetings (Council, Parks Board, EDA, Planning Commission etc . . .)

(2) Community Events sponsored by a council appointed commission (Parks Board, EDA, Planning Commission etc . . .)

(3) Community Events sponsored by an official civic organization (Lions Club, Chamber of Commerce, Avon Area Arts Committee, Avon Community Improvement Committee)

(4) Community Events sponsored by the Avon/Albany School District (possibly including the PTA) However, NO individual sports participants will be recognized for their efforts or achievements. A team may be recognized as a whole, but only if there is nothing of higher priority on the Marquee. This determination will be made at the final discretion of the Clerk/Administrator and the Public Works Director.

(5) City related items that the City of Avon places on the Marquee will ALWAYS that the position of highest priority and will be placed on the Marquee before any other items are considered

(B) The following will NOT be allowed to be advertised on the Marquee:

(1) Private benefits, including such things as dinners to benefit a family or an individual. Business events (except for those that are sponsored by an official civic organization and serve a clear and specific public purpose)

(2) Recognition of an individual for sports achievements, services in the armed forces, or any other individual type recognition where the individual(s) names would be advertised. However, a group may be recognized for such. For example: "Welcome home from Iraq Company B" would be

acceptable, as would “Good luck at State Huskies”. These types of recognition advertisements would not be considered of high priority though and would be allowed only if there were room on the Marquee and at the discretion of the Clerk/Administrator and Public Works Director.

§171.00 AN ORDINANCE LIMITING POSSESSION OF CERTAIN CONTAINERS OF 3.2 PERCENT OR INTOXICATING MALT LIQUOR (KEGS)

DEFINITIONS: For the purpose of this section the following definitions shall apply:

Subd. 1. Intoxicating Liquor. Ethyl alcohol, distilled, fermented, spirituous, vinous, and malt beverages containing more than 3.2 percent of alcohol by weight.

Subd. 2. Kegs. Containers designed for and capable of holding intoxicating or 3.2 percent malt liquor to be dispensed from a tapper.

Subd. 3. 3.2 Percent Malt Liquor. Malt liquor containing not less than one half of one percent alcohol by volume nor more than 3.2 percent of alcohol by weight.

POSSESSION OF KEGS BY INDIVIDUAL. No more than one keg capable of containing up to sixteen (16) Gallons of intoxicating or 3.2 percent malt liquor may be possessed by any person within the City of Avon.

LOCATION OF KEGS ON PROPERTY UNIT. No more than one keg capable of containing up to sixteen (16) gallons of intoxicating or 3.2 percent malt liquor may be located on a single property unit within the City of Avon. For purposes of this section, a single property unit shall be defined as a contiguous parcel of real property with common ownership, except in the case of real property which is leased to multiple individuals or entities, in which case each area rented by separate written or oral lease shall be considered a single property unit.

CONTROLLER OF PROPERTY LIABLE: For purpose of Section _____ herein, the person in control of the property unit shall be held responsible for a violation. For purposes of this section, ownership of property is prima facia evidence of control; except in the care of rental property, in which case tenant’s leasehold interest shall be prima facia evidence of control.

DUTY OF LICENSED LIQUOR ESTABLISHMENT. Each liquor establishment located in the City of Avon and offering for sale kegs containing 3.2 percent or intoxicating malt liquor for consumption off premises, shall, as a condition of said license, post in a conspicuous location within (5) feet of the check out location in the establishment, a notice provided by the Avon Police Department regarding the provisions of this ordinance.

EXCEPTIONS. Any person or premises licensed to sell intoxicating or 3.2 percent malt liquor under any provision of state law or local ordinance may possess kegs and are specifically exempted from the provisions of this ordinance.

PENALTIES. A violation of a provision of this Ordinance shall be punishable as a misdemeanor.

§172.00 Ordinance relating to Criminal History Background for Applicants for City Employment and City Licenses (Ordinance 198)

EMPLOYMENT BACKGROUND CHECKS

Section 1 APPLICANTS FOR CITY EMPLOYMENT

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 Section 4.

Section 2. CRIMINAL HISTORY EMPLOYMENT BACKGROUND INVESTIGATIONS: The Avon 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 positions within the city, unless the city’s hiring authority concludes that a background investigation is not needed:

All new hire including volunteer positions

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. 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 hiring authority, including the City Council, the City Administrator/Clerk, or other city staff involved in the hiring 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 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:

- 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.

LICENSE BACKGROUND CHECKS

Section 3. APPLICANTS FOR CITY LICENSES

PURPOSES: 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.

Section 4. CRIMINAL HISTORY LICENSE BACKGROUND INVESTIGATIONS: The Avon 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:

- Employees of liquor establishments;
- Transient Merchants, Peddlers and Solicitors (Chapter 113)
- Tobacco Sales (Chapter 112)
- Adult Establishments

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. 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/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 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.

Passed by the City Council of the City of Avon this 4th day of June 2012.

§ 173.00 CITY OF AVON SOCIAL MEDIA POLICY

The purpose of this policy is to establish a social media policy for the City of Avon social media site(s). This policy shall be posted on the social media site(s) with the following content:

“The City of Avon, Minnesota, uses social media such as facebook, to provide communication with the public. The City of Avon encourages participation and comments from the public on its social media site(s). However, these site(s) are public forums monitored by city staff and the City of Avon reserves the right to remove posted content on its social media site(s) including but not limited to the following:

1. Posts and comments that include vulgar, offensive, threatening or harassing language, or personal attacks
2. Prejudiced or hurtful comments that encourage discrimination or discriminate on the basis of creed, color, age, religion, gender, marital status, national origin, physical or mental disability, or sexual orientation.
3. Spam or Phishing
4. Advertisement for commercial services or goods
5. Posts and comments that advocate illegal activity
6. Political statement that endorse or oppose political candidates
7. Obscene or sexual content, or links to obscene or sexual content
8. Information that could compromise the safety or security of the public or public systems
9. Information that could compromise an ongoing active criminal investigation

PLEASE NOTE: Comments expressed on the City of Avon's social networking site(s) do not reflect the opinions or positions of the City of Avon, its employees, or elected officials.

Data Practices and Record Retention: To the extent that any content on social media is government data, such data are transitory communications and will not be retained.

In the event of any emergency, call 9-1-1 for police, fire or EMS response. The City of Avon cannot guarantee a timely emergency response to comments posted on social media site(s).”