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SEP 21 2015

ORDINANCE NO. 4623

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, REPEALING ORDINANCE NO. 2334 AND AUTHORIZING THE CITY TO REQUIRE FINGERPRINT IDENTIFICATION AND RECEIVE CRIMINAL HISTORY RECORD INFORMATION FOR PROSPECTIVE AND CURRENT EMPLOYEES, VOLUNTEERS, LICENSEES, AND PERMITTEES.

WHEREAS, Section 902 of Public Law 92-184 authorizes the Federal Bureau of Investigation to make criminal history record information available to state and local governments for use in connection with licensing or employment; and

WHEREAS, the Arizona Department of Public Safety, as the central state repository, is the agency responsible for collecting, maintaining, and disseminating criminal history records in Arizona; and

WHEREAS, A.R.S. § 41-1750 authorizes the Arizona Department of Public Safety to provide state and federal criminal history record information to non-criminal justice agencies for the purpose of evaluating the fitness of current or prospective licensees, employees, contract employees, and volunteers provided that such agency's receipt of the information is authorized by statute, ordinance, or executive order and the request for the information is accompanied by fingerprints and appropriate fees; and

WHEREAS, the City Council adopted Ordinance No. 2334 on January 28, 1993, to provide the necessary authorization for the City, as a non-criminal justice agency, to obtain fingerprints and criminal history record information for prospective employees and licensees; and

WHEREAS, changes are required to reflect changes in the laws and procedures that have taken place since Ordinance No. 2334 was adopted in 1993.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Chandler, Arizona as follows:

SECTION 1: Ordinance No. 2334, adopted on January 28, 1993, is hereby repealed in its entirety as of May 15, 2015, and is replaced by the following:

1. *Prospective and Current Employees, Temporary Workers, and Volunteers.* The City Manager, or designee, is hereby authorized to require fingerprint identification from prospective and current employees, temporary workers, and volunteers and to forward such fingerprints with appropriate fees to the Arizona Department of Public Safety in order to obtain state and federal criminal history record information on such applicants for the sole purpose of evaluating their fitness for employment by the City of Chandler. Criminal history record information for applicants under the age of 18, existing employees, temporary workers, employees returning after a break in service, and volunteers shall be required only if the City Manager, or designee, determines there is a significant risk associated with the position to be filled or the nature of the work to be performed.

2. *Licenses and Permits.* The City Manager, or designee, is hereby authorized to require fingerprint identification and appropriate fees from each applicant for a City of Chandler license or permit identified in this section and to forward such fingerprints with the appropriate fees to the Arizona Department of Public Safety for the purpose of obtaining state and national criminal history information on such applicant. Such information shall be used solely for the purpose of evaluating the fitness of the applicants for the following types of licenses and permits for the City of Chandler:

| | |
|-----------------------|----------------------------|
| Auctioneer | Sexually oriented business |
| Auction house | Escort |
| Junk dealer | Peddler |
| Massage establishment | Canvasser |
| Pawn broker | Transient Merchant |
| Antique dealer | Solicitor |
| Second-hand dealer | |

3. *Other Purposes Required By Law.* The City Manager, or designee, is authorized to receive and consider criminal history record information for other noncriminal justice purposes only as required by federal, state, or local law.

4. The City Manager, or designee, shall maintain standard procedures to comply with all state and federal statutes, regulations, and requirements that may relate to the use, dissemination, safeguarding, and destruction of the criminal history record information obtained pursuant to this Ordinance.

SECTION 2: This Ordinance shall become effective on October 21, 2015.

INTRODUCED AND TENTATIVELY APPROVED by the City Council of the City of Chandler, Arizona, this ____ day of _____, 2015.

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona this ____ day
of _____, 2015.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. ____ was duly passed and
adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the
____ day of _____, 2015, and that a quorum was present thereat.

CITY CLERK

Approved as to form:

CITY ATTORNEY *red*

Published: