

ORDINANCE NO. ____

AN ORDINANCE CREATING AND ENACTING
CHAPTER 9-19 OF TITLE 9 OF THE ROCHESTER
CODE OF ORDINANCES RELATING TO THE
ESTABLISHMENT OF CITY IDENTIFICATION
CARDS.

THE COMMON COUNCIL OF THE CITY OF ROCHESTER DO ORDAIN:

Section 1. Chapter 9-19 of the Rochester Code of Ordinances is hereby created and enacted to read as follows:

9-19. CITY IDENTIFICATION CARDS

Sec. 9-19-1 - Findings.

The City of Rochester serves as a permanent and temporary home to many persons. The City recognizes that many residents do not have adequate access to recognized forms of identification, and therefore may have difficulty obtaining services and participating in programs and activities from the City and local business. The City finds that the establishment of a city identification card program will aid the general welfare of the community and will be a positive and productive resource for all City residents to access services, programs, and activities in the City.

Sec. 9-19-2 – Definitions.

The following words, terms, and phrases shall have the meanings ascribed to them in this chapter, except where the context clearly indicates a different meaning:

City means the City of Rochester.

City identification card means the city identification card issued by the City that displays the cardholder's full legal name; the cardholder's date of birth; the cardholder's residence address; the cardholder's photograph; and an expiration date. The city identification card issued by the City shall provide the optional opportunity for the cardholder's preferred name and gender identification including options for "male, female and non-binary" (i.e., not identifying exclusively as either male or female or not having a gender). The city identification card shall include a statement that it is not valid for driving, voting, or purchase of alcohol, tobacco, or firearms.

Program administrator means the Library Board or a designee of the Library Board to issue and administer the city identification card. Any designee must be a department of the City or a City employee.

Resident means a person who resides within the City corporate boundaries for a minimum of 30 continuous days prior to applying for a city identification card and who presents proof of residency.

Sec. 9-19-3 – Issuance and purpose of City identification card.

- a) The program administrator is authorized to issue a city identification card to any resident who satisfies the application requirements.
- b) The program administrator will cause the city identification card to be produced in a form to prevent unauthorized replication or counterfeiting.
- c) A city identification card expires four years from the date of issuance. A person must surrender a city identification card when the card expires, or when the person no longer resides within City corporate boundaries, or when the person is no longer present within City corporate boundaries for a continuous period of 180 days.
- d) The purpose of the city identification card is to provide a resident with a means to demonstrate residency within the City in order to access City programs, services, and activities, and to provide a means to substantiate a person's identity.

Sec. 9-19-4 – Application.

- a) As provided in this chapter, the program administrator may issue a city identification card to an applicant who under penalty of perjury submits a complete application, demonstrates proof of identity, and demonstrates proof of residency within city corporate boundaries.
 - 1) Proof of identity. An applicant must present a minimum of two of the following identity documents. At least one document, or two documents when taken together, must display a current photograph of the applicant and name, and must display the applicant's date of birth. A document that demonstrates the applicant's identity must be an original or a copy certified by the issuing agency. A document may be submitted if expired, but the document must substantiate or confirm the identity of the applicant.
 - a. Driver's license or identification card issued by any state in the U.S.;
 - b. Tribal driver's license or identification card;
 - c. Consular identification cards;

- d. U.S. permanent resident card (commonly known as a “green card”);
- e. Birth certificate issued by any state, territory or possession of the U.S. (excluding hospital records/certificates and abstracts of birth);
- f. U.S. certificate of birth abroad (FS-240, 545 or DS-1350);
- g. U.S. passport or passport card;
- h. Minnesota identification card;
- i. Tribal or Bureau of Indian Affairs affidavit of birth;
- j. Foreign passport;
- k. U.S. Citizenship and Immigration Services (USCIS) Employment Authorization Card (EAC);
- l. U.S. certificate of naturalization;
- m. U.S. certificate of citizenship;
- n. U.S. military DD-214;
- o. U.S. military identification card (active duty, reserve or retired);
- p. Released offender identification from the Minnesota Department of Corrections (with photo);
- q. Photo identification card issued by the federal government of a foreign country that meets all of the following requirements:
 - 1. The issuing country authorizes the use of the card as an alternative to a passport for re-entry into the issuing country; and
 - 2. The card has a photograph of the applicant and the applicant's date of birth;
- r. U.S. Social Security Administration card;
- s. U.S. military dependent identification card;
- t. U.S. Armed Forces driver's license;
- u. U.S. Department of Veterans Affairs card;
- v. U.S. Department of Justice inmate identification card;
- w. U.S. Selective Service card;
- x. W-2 form issued by an employer in any state, territory or possession of the U.S.;
- y. Concealed carry permit issued by any state, territory or possession of the U.S.;
- z. Medical insurance identification card;
 - aa. Professional license issued by any state, territory or possession of the U.S.;
 - bb. Bank card issued by a bank that does business in any state, territory or possession of the U.S.;
 - cc. Credit card issued by a bank that does business in any state, territory or possession of the U.S.;
 - dd. School identification (with photo) issued by a school in any state, territory or possession of the U.S.; or
 - ee. Marriage license or certificate.

2) Proof of residency. To establish residency, an applicant must present one of the following documents, which must include both the applicant's name and a residential address located within City corporate boundaries. An applicant may prove residency using documents bearing the name of a spouse if the applicant presents a certified copy of a marriage certificate.

- a. Utility bill (e.g., cable, cell phone, gas, electric) dated within the last 30 days;
- b. Written verification confirming a minimum of 30 days of residency within the last 30 days issued by a Minnesota licensed homeless shelter;
- c. Written verification issued by a hospital, health clinic or Olmsted County social services agency confirming a minimum of 30 days of residency within the last 30 days;
- d. Local property tax statement or mortgage payment receipt dated within the last 30 days;
- e. Bank account statement dated within the last 30 days;
- f. Proof of current enrollment in a school located within city corporate boundaries, which can be used to establish proof of residency for either student and/or parent of student;
- g. Employment pay stub dated within the last 30 days;
- h. Jury summons or court order issued by a State or Federal court dated within the last 30 days;
- i. Federal or state income tax or refund statement dated within the last 30 days; or
- j. Insurance bill (homeowner's, renter's, health, life, or automobile insurance) dated within the last 30 days.

b) A minor may demonstrate residency through the residency of the applicant's parent or legal guardian if: (1) the applicant cannot produce any of the items set forth above; and (2) the parent or legal guardian satisfies the requirements for a city identification card. An application completed on behalf of a minor must be completed and signed by the minor's parent or legal guardian.

c) The City shall maintain only that data for the city identification card as required by applicable state law.

Sec. 9-19-5 – Implementation.

The program administrator or the administrator's designee is authorized to adopt rules and regulations consistent with this chapter or as necessary to issue and administer the city identification card. The City shall require applicants to sign and declare the information provided in their applications under penalty of perjury.

Sec. 9-19-6 – Fees.

The program administrator shall not charge a fee to an applicant for a city identification card.

Sec. 9-19-7– Acceptance by City Departments.

- a) When City identity or residency is required, a City department is authorized to accept a city identification card issued pursuant to this chapter as lawful identification and lawful proof of residency within City corporate boundaries. The Rochester Police Department may also use other identification forms and processes as necessary to substantiate the identification of a person.
- b) Other than to demonstrate identity and City residency, this chapter is not intended to replace any other existing requirements for issuance of other forms of identification in connection with the administration of City benefits and services.
- c) This chapter does not apply when:
1. A federal or state statute, administrative regulation or directive, or court decision requires the city to obtain different identification or proof of residency;
 2. A federal or state statute or administrative regulation or directive preempts local regulation of identification or residency requirements; or
 3. Prohibited by the terms and conditions imposed on the city by a funding source.
- d) Nothing in this chapter is intended to prohibit City departments from requiring additional information from a person to verify the person's current address or other information required by the department to fulfill the department's responsibilities.
- e) No City department must accept a city identification card if the department reasonably believes that the city identification card is counterfeit, altered, or improperly issued to the cardholder; or the individual presenting the city identification card is not the individual to whom it was issued; or otherwise is determined not to be accurate identification.
- f) In undertaking the adoption and enforcement of this division, the City is assuming an undertaking only to promote the general welfare of its residents. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

Sec. 9-19-8 - Cardholder's responsibilities.

a) A cardholder must notify the program administrator within 30 days of any change of name or change in address within the City. Upon receipt of notification and completion by the applicant/cardholder of the application requirements, a new city identification card will be issued.

b) If a cardholder no longer resides within City corporate boundaries or expects to reside outside the City corporate boundaries for a period of more than 180 consecutive days, the cardholder must surrender the city identification card issued under this chapter by mailing the card to the program administrator with an acknowledgement of an intent to reside elsewhere.

Sec. 9-19-9 – Suspension and revocation of card.

A city identification card may be suspended or revoked by the program administrator for violation of rules and regulations adopted by the program administrator or for a violation of this chapter.

Sec. 9-19-10 - Counterfeit and fraudulent card.

It is a misdemeanor violation of this Code for any person or entity to do any of the following acts:

1. Knowingly presents false information to the city in the course of applying for a city identification card;
2. Alters, copies, or replicates a city identification card without the authority of the City; or
3. Uses the city identification card issued to another cardholder with the intent to cause a third person or entity to believe that the card user is the person to whom the card was issued.

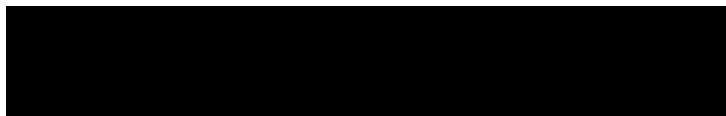
Section 2. This ordinance shall be effective as of the date of its publication.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF
ROCHESTER, MINNESOTA, THIS 22nd August

ATTEST: Kelly G. Giatt
CITY CLERK

Beards
PRESIDENT OF SAID COMMON COUNCIL

APPROVED THIS



Ken T. Larson
MAYOR OF SAID CITY

