

**Borough of Norwood**

**Ordinance No. 17:02**

**AN ORDINANCE AMENDING CHAPTER 168 OF THE CODE OF  
THE BOROUGH OF NORWOOD TITLED PARKS AND RECREATION AREAS  
TO REQUIRE CRIMINAL HISTORY BACKGROUND CHECKS FOR  
EMPLOYEES AND VOLUNTEERS**

**WHEREAS**, the purpose of this ordinance is to establish a requirement and a procedure for the completion of criminal history background checks for employees and volunteers participating in the Borough's recreation programs for persons younger than the age of 18, to better advance and protect the health, safety, and welfare of the public in Norwood.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Norwood, County of Bergen, and State of New Jersey, as follows:

**Section 1:** Chapter 168 of the Code of the Borough of Norwood titled Parks and Recreation Areas is amended to add a new Article III titled Background Checks, as follows:

**ARTICLE III  
BACKGROUND CHECKS**

**§168-17. Definitions.**

As used in this article, the following terms will have the meanings indicated:

**Criminal History Record Background Check** – A determination whether a person has a criminal record, which is completed by cross-referencing that person's name and fingerprints with those on file with the Federal Bureau of Investigation, Identification Division, the NJ State Bureau of Identification in the Division of State Police, or both.

**Chief** – The Chief of the Borough's Police Department.

**Youth** – A person younger than the age of 18 years.

Youth Recreation Programs – All programs and activities sponsored or conducted by the Borough for youths.

**§168-18. Background Checks Required.**

A. All persons 18 years of age or older, including but not limited to coaches, assistant coaches, or those serving in similar positions involved in educating, directing, supervising, or in any way assisting a youth recreation program, will submit sufficient information on forms supplied by the chief and obtained from the New Jersey State Police, for the purpose of obtaining a criminal history background check with the State Bureau of Identification in the New Jersey State Police. The chief will process all applications for criminal history background checks.

B. All league officers or other persons in charge of a youth recreation program are required to ensure compliance with this article and will file an annual roster of persons that are required to comply with the background check procedures of this article. The roster will be on forms supplied by the Borough and will contain a certification as to the activities in which some control and responsibility for youths is assigned to some person acting for or on behalf of the Borough other than a parent or caregiver.

**§168-19. Disqualification.**

A. Upon receipt of a completed background check conducted by the State Bureau of Identification in the New Jersey State Police and/or the Federal Bureau of Investigation, Identification Division, the chief will notify the applicant and the president or head of the youth recreation program of the affirmative or negative results of the applicable criminal history background check. The chief will base his to her determination upon the standards stated in section 168-19(B). The chief will not disclose the details of any criminal history

background checks that result in a negative determination by the State Police. These details are to be made available to the applicant upon a formal request to the State Bureau of Investigation.

B. An applicant whose criminal background check reveals any prior convictions for crimes or offenses that negatively impact the health, safety, and welfare of youths will not be qualified or permitted to participate in any official capacity in any function of a youth recreation program. These offenses include, but are not be limited to:

1. In New Jersey, any crime or disorderly persons offense:

a. Involving danger to the person, meaning those crimes and disorderly persons offenses set forth in N.J.S. 2C:11-1 et seq., N.J.S. 2C:12-1 et seq., N.J.S. 2C:13-1 et seq., N.J.S. 2C:14-1 et seq., or N.J.S. 2C:15-1 et seq.;

b. Against the family, children or incompetents, meaning those crimes and disorderly persons offenses set forth in N.J.S. 2C:24-1 et seq.;

c. Involving theft as set forth in Chapter 20 of Title 2C of the New Jersey Statutes; and

d. Involving any controlled dangerous substance or controlled substance analog as set forth in Chapter 35 of Title 2C of the New Jersey Statutes except N.J.S. 2C:35-10(a)(4).

2. In any other state or jurisdiction, conduct which, if committed in New Jersey, would constitute any of the crimes or disorderly persons offenses described in subsection 1 of this section.

C. The list of crimes and violations contained in this section is for illustrative purposes only and is not to be construed as a limitation on those criminal activities or

violations that would be grounds to disqualify a person from assisting with youth recreation program.

D. Any person refusing to submit to criminal history background checks will immediately be dismissed from any youth recreation programs requiring background checks.

**§168-20. Frequency of Background Checks.**

A. All youth recreation programs that have persons subject to this chapter will direct those persons to the chief for background checks before the person is permitted to participate at any youth recreation program. Thereafter, every three (3) years a new background check will be submitted to the chief.

B. Persons who are required to undergo background checks may be given an interim approval for participation only after the chief's submission of the required request to the Division of State Police for a background check. Interim approvals are valid for the period of time that it takes to receive background checks results, but not exceeding 45 days. Only one interim approval may be granted per person.

**§168-21. Privacy.**

The chief will file and maintain all criminal background checks in a secure and locked cabinet or room. The chief will take appropriate steps to safeguard these records, which will not be available to the public. The Mayor and Council intends that these records will be exempt from public disclosure under the common law and the New Jersey Open Public Records Act. These records will only be retained for a period of time that is necessary to serve the intent and purpose of this article, to the extent permitted by law.

**§168-22. Penalties.**

Any person who violates any provision of this ordinance will be subject to the penalties as set forth in Chapter 174 of this Code.

**Section 2:** All ordinances or parts of ordinances that are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of any inconsistencies.

**Section 3:** The provisions of this ordinance are severable. If any part or parts of this ordinance is or are declared to be unconstitutional or invalid by any court, then the remaining part or parts of this ordinance will remain in full force and effect.


**Section 4:** This ordinance will take effect upon final approval and publication according to law.

Introduced and passed first reading: February 8, 2017

Passed second reading: March 8, 2017

ATTEST:

APPROVED BY:

  
Lorraine L. McMackin,  
Borough Clerk

  
James P. Barsa, Mayor

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