

**ORDINANCE NO. 2013:18**

**AN ORDINANCE TO AMEND CHAPTER III, POLICE REGULATIONS, SECTION 3-10A, "CRIMINAL HISTORY BACKGROUND CHECKS", OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF NEW MILFORD**

*WHEREAS*, the Mayor and the Council of the Borough of New Milford wish to ensure that the Borough is providing the safest possible recreational, sports and other programs for its youth, as they use Borough facilities and participate in Borough sponsored programs; and

*WHEREAS*, the Borough desires that all youth programs using Borough facilities and/or which are funded by the Borough in whole or in part, be required to perform criminal history record background checks as a condition of using the Borough facilities;

*NOW, THEREFORE, BE IT ORDAINED* by the Mayor and Council of the Borough of New Milford in the County of Bergen and State of New Jersey, that the Revised General Ordinances, of the Borough of New Milford, New Jersey, as follows:

Delete and replace Section 3-10A.2 in its entirety as follows:

***3-10A.2 Request for Criminal History Record Background Checks: Costs.***

- a. The Borough of New Milford requires that all non-profit youth serving organizations request (through the Borough of New Milford Police Department) that Protect Youth Sports conduct a criminal history record background check on each prospective and current employee and volunteer of the organization. New employees or volunteers of any youth service organization must make application for this criminal history record background check. All coaches must have their fingerprinting and applications completed and must be approved prior to serving.
- b. The Borough shall request a criminal history record background check only upon receipt of the written consent for such a check from the prospective or current employee or volunteer with direct unsupervised access to minors.
- c. The Borough shall bear the costs associated with the conducting the criminal history record background checks required by this section in accordance with the fees established by Protect Youth Sports.
- d. Protect Youth Sports shall inform the Borough of New Milford Police Department whether the person's criminal history record background check reveals a conviction of a disqualifying crime or offense as specified in subsection below. Any information received by the Borough of New Milford Police Division shall be confidential, except as otherwise provided herein.

- e. Any person who, by virtue of their occupation, is required by statute to undergo a federal and state criminal history record background check similar in nature to the requirements contained herein, and who can provide proof of the results of such background check, is exempt from the requirements hereunder until three (3) years has elapsed since the most current background check.

Delete and replace Section 3-10A.4 a. as follows:

***3-10A.4 Submission, Exchange of Background Information.***

- a. Prospective or current employees or volunteers of non-profit youth serving organizations shall submit their names, addresses, and written consent to the organization for the criminal history record background check to be performed. The organization shall submit this documentation to the New Milford Borough Police Department through the Chief of Police, who shall coordinate the background check with the Recreation Director. Thereafter, all subsequent background checks shall be submitted to the New Milford Borough Chief of Police, who shall coordinate a background check every three (3) years after the date of the initial check.

Delete and replace Section 3-10A.6 a. as follows:

***3-10A.6 Challenge of Accuracy of Report.***

- a. A person is not presumed guilty of any charges or arrests for which there are no final dispositions indicated on the criminal history record background check. Protect Youth Sports shall make the initial recommendation concerning the individual, based solely on the New Jersey State Statutes, to the New Milford Borough Police Division who shall provide the information to the Review Committee and advise the Review Committee whether or not the individual is being recommended. The Review Committee will receive a pre-printed form on each individual submitted to Protect Youth Sports for a background check. One form will be for recommendation and the other will be for rejection. If there is a rejection, the Review Committee may nonetheless allow the employee or volunteer to participate in Borough sponsored or co-sponsored recreation. It is within the Review Committee's discretion to supersede the Protect Youth Sports recommendation.

**BE IT FURTHER ORDAINED** that any Ordinance or Ordinances in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

**BE IT FURTHER ORDAINED** that the remainder of this ordinance remains unchanged and that this amendment shall become effective upon final adoption and publication in accordance with law.