

TOWNSHIP OF FLORENCE

ORDINANCE NO. 2006-06

**An Ordinance of the Township of Florence Amending the
Florence Township Code by adding Chapter 106 – Background
Checks**

WHEREAS, the Township Council finds that it is important to provide for the safety of those engaged in youth activities in the Township of Florence and to provide reasonable assurance that those adults who are responsible for the supervision of minors have been subject to a background check.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Florence, as follows:

Section 1: The Florence Township Code is hereby amended by adding a new Chapter 106, as follows:

Chapter 106 - Background Checks

106-1. Definitions:

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

CRIMINAL HISTORY RECORD BACKGROUND CHECK - A determination of whether a person has a criminal record by cross-referencing that person's name and fingerprints with those on file with the Federal Bureau of Investigation, Identification Division and/or the NJ State Bureau of Identification in the Division of State Police.

NON-SPONSORED YOUTH PROGRAMS – Any youth programs not sponsored by the Township of Florence, but that utilize municipal facilities or have affiliation with a Township Sponsored Youth Program and having contact with persons under the age of 18 years.

TOWNSHIP-SPONSORED YOUTH PROGRAMS - Any programs sponsored by the Township of Florence, including any and all leagues, boards and commissions falling within the purview of or acting for or on behalf of, the Township of Florence and having contact with persons under the age of 18 years.

YOUTH PROGRAMS – Any programs that allow for participation in activities by those persons under 18 years of age. Activities may include, but are not limited to, sporting activities, passive

recreation groups, clubs or camps and trips or other activities whereby some control and responsibility for children is assigned to some person acting for or on behalf of the Township other than a parent or caregiver.

106-2. Non-Sponsored Youth Programs - Criminal background checks - Required for use of Florence Township facilities.

Prior to any club or organization, not defined as a Township-sponsored youth program, being authorized to use Township-owned facilities for functions participated in by children, all adults, those persons 18 years of age or older, in any way assisting in the function, including but not limited to coaches, assistant coaches, or similar positions, must provide the Florence Township Recreation Director with findings of a criminal background check obtained from the State Bureau of Identification in the New Jersey State Police.

The submission of background check findings must be based upon a check performed within two years of the start of use of the Township-owned facility. **In the case of coaches performing duties as employees of a school district, the policy of background checks adopted by the individual school district shall be used to establish eligibility for use of Township owned facilities. In all cases the** background check must comply with the provisions of any applicable laws regarding same, but not less detailed than those performed by the Township for individuals involved in administering Township Sponsored Youth Programs. The cost of background checks for individuals not administering a Township-Sponsored program shall be borne by the individual or program with which they are participating.

106-3. Township Sponsored Youth Programs - Background checks.

A. All adults, those persons 18 years of age or older, including but not limited to coaches, assistant coaches, or similar positions involved in educating, directing or supervising youth, and in any way assisting in a Florence Township sponsored function participated in by children, shall submit sufficient information on forms supplied by the Florence Township Recreation Director 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. Applications for background checks shall be processed by the Florence Township Recreation Director.

Based upon the Memorandum of Understanding executed between the Township of Florence and the New Jersey State Police, the individual applying for the background check shall authorize the Recreation Director to be the recipient of the affirmative or negative response from the State Police based upon the findings of the background check. Individuals involved in a Florence Township sponsored youth function, and who are required to undergo background checks based upon this chapter, shall not be responsible for the costs involved with obtaining the criminal background check. The Township of Florence shall bear the costs for the background checks for individuals qualified under this section.

B. All league officers and/or those individuals in charge of each recreation program are required to ensure compliance with this chapter for that league or program. The President or leader of each recreation program shall file an annual roster of individuals that are required to participate in the background check procedures of this chapter. The roster shall be on forms supplied by the Township of Florence and shall contain a certification as to the accuracy and

completeness of the roster and individual names. Any person who knowingly certifies a background check roster that excludes an individual required to be checked shall be in violation of this chapter and laws regarding false swearing.

106-4. Qualification.

A. Individuals engaged in providing recreation opportunities for, or on behalf of, the Township of Florence shall be issued identification cards with appropriate expirations based upon the date of their individual background check. Individuals issued identification cards are required to display their card while in performance of their duty involving youth programs.

106-5. 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 Recreation Director shall notify the applicant and the President or leader of the recreation program of affirmative or negative results. The determination of the Recreation Director is based upon section 106-5.B of this chapter. Details in the background check that result in a negative determination by the State Police are not afforded to the Recreation Director and are only available to the applicant upon making a formal request to the State Bureau of Investigation.

B. In the event the criminal background check reveals any prior convictions for crimes or offenses which negatively impact the health, safety and welfare of children, said person shall not be qualified to participate in any official capacity in any function for persons under the age of 18 years held at any Township-owned facilities. Such offenses shall include, but not be limited to:

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

(1) 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.;

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

(3) involving theft as set forth in Chapter 20 of Title 2C of the New Jersey Statutes;

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

b. 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 a. of this section.

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

would be grounds to disqualify a person from assisting with youth-related activities as indicated herein.

D. Refusal by individuals required to submit to background checks will result in an immediate dismissal of the individual from any Township-sponsored activities requiring background checks. In addition, refusal to comply with this chapter by any individual falling within the scope of requirements for Non-Sponsored Youth Programs will forfeit that individuals ability to participate with the respective program. Refusal of a Non-Township Sponsored Youth Program to subscribe to the requirements of this chapter shall forfeit that programs ability to use municipal facilities.

106-6. Frequency of background checks.

A. All Non-Sponsored Youth Programs that have individuals subject to this chapter shall supply background checks for all of its participants prior to the individual being able to participate at any function at a Township-owned facility to the extent covered by this chapter. Thereafter, every two years a new background check shall be submitted to the Recreation Director.

B. 1. All Township Sponsored Youth Programs that have individuals subject to this chapter shall direct those individuals to the Recreation Director for background checks prior to the individual being able to participate at any function sponsored by the Township of Florence. Thereafter, every two years a new background check shall be submitted to the Recreation Director.

2. Individuals involved in Township Sponsored Youth Programs who are required to undergo background checks shall be given an interim approval for participation only after submission to the Division of State Police for a background check. Interim approvals shall only be valid for the period of time that it takes to receive background checks results. Such interim approval shall not be valid for a period of time exceeding 45 days. Only one interim approval may be granted per individual.

106-7. Privacy.

Any and all criminal background checks supplied to the Recreation Director shall be filed and maintained in a secure and locked cabinet or room and shall not be available to the public. The Recreation Director shall take appropriate steps to safeguard such records. The records shall be exempt from public disclosure under the common law or the New Jersey Right to Know Law. The records shall only be retained for such period of time as is necessary to serve their intended and authorized purpose.

Section 2: Penalties

Any person who violates any provision of this ordinance shall be subject to the penalties as set forth in Section 1-10 of the Florence Code.

Section 3: Effective Date

This ordinance shall take effect immediately upon the approval and publication of notice of adoption as provided by law.

Section 4: Ordinance Provisions Repealed

Any ordinance provisions inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

Section 5: Severability

If the provisions of any section, subsection, paragraph, subdivision, or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.

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**An Ordinance of the Township of Florence Amending the
Florence Township Code by adding Chapter 106 – Background
Checks**

Take Notice that the Ordinance identified above amends the Florence Township Code by adopting a new Chapter providing for background checks to be conducted on any adult engaged in youth activities sponsored by the Township or sponsored by any other organization that uses Township facilities.

The Ordinance has been adopted on first reading by the Township Council of the Township of Florence, County of Burlington, State of New Jersey, held on January 18, 2006. It will be considered for final passage after public hearing to be held on February 1, 2006, at 8:00 P.M. in the Municipal Complex, Council Chambers, 711 Broad Street, Florence, New Jersey.

Copies of the full ordinance are on file with the Township Clerk of the Township of Florence in the Municipal Complex. Copies may be obtained on request and a copy is posted on the municipal bulletin board in the Municipal Complex at 711 Broad Street, Florence, New Jersey.

Joy M. Weiler, RMC, CMC
Township Clerk