

ORDINANCE NO. 3-12

**AN ORDINANCE TO ESTABLISH CRIMINAL
HISTORY BACKGROUND CHECKS OF CURRENT AND
PROSPECTIVE EMPLOYEES AND VOLUNTEERS IN
THE BOROUGH OF LINCOLN PARK**

WHEREAS, the Borough of Lincoln Park ("Borough") hires seasonal volunteers to work various programs and camps on behalf of residents under the age of eighteen; and

WHEREAS, the New Jersey Legislature has enacted N.J.S.A. 15A:3A-1, *et seq.* to permit "non-profit youth serving organizations" (including municipalities) to perform a criminal background check on current and prospective employees or volunteers who have direct contact with minors in order to preclude those employees and volunteers who have been convicted of certain crimes; and

WHEREAS, the Borough desires to conduct criminal history background checks of its current and prospective employees and volunteers in order to protect the minors who participate in camps and youth programs conducted by the Borough.

NOW, THEREFORE, BE IT ORDAINED, by the Governing Body of the Borough of Lincoln Park, County of Morris, State of New Jersey, as follows:

SECTION 1. Chapter 3, Article XIII, Criminal History Background Checks, is hereby established and is to read as follows:

Purpose

Pursuant to N.J.S.A. 15A:3A-1, *et seq.*, the purpose of this Chapter is to authorize a municipal official or officer to request a criminal history background check of current and prospective Borough employees and volunteers.

Designated Official or Officer

The Borough of Lincoln Park Chief of Police is hereby authorized to request a criminal history background check ("CHBC") on current and prospective Borough employees or volunteers.

CHBC for Current and Prospective Borough Employees

All prospective Borough employees shall be subject to a State Fingerprint Check or Name Check (at the option of the Borough) in accordance with N.J.A.C. 13:59-1, *et seq.* which authorizes the communication of New Jersey criminal history records by the New Jersey State Police ("NJSP") and the State Bureau of Investigation ("SBI") for non-criminal justice purposes. All current Borough employees may be subject to a State Fingerprint Check or Name Check at the discretion of the Borough.

CHBC for Borough Volunteers (Including Those Volunteers Who Work With Persons Under the Age of Eighteen (18) Years of Age

All Borough volunteers, including those who work with persons under the age of eighteen (18) years of age, shall be subject to a non-criminal justice volunteer background check to be conducted by the Volunteer Review Operation ("VRO") as established by the NJSP. Said background check shall include fingerprint checks, as administered by the VRO, in accordance with N.J.S.A. 15A:3A-1, *et seq.*, N.J.A.C. 13:59-1, *et seq.* and procedures set forth by the NJSP.

SECTION 2. All ordinances of the Borough of Lincoln Park that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any Court of competent jurisdiction, such decision shall not affect the remaining portion of this Ordinance.

SECTION 4. This Ordinance shall take effect upon final passage and approval in accordance with law.

