

**ORDINANCE O:12-2023**

**AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MONROE  
TO AMEND CHAPTER 4 OF THE CODE OF THE TOWNSHIP OF MONROE,  
ENTITLED “ADMINISTRATIVE CODE”**

**WHEREAS**, the Township Council of the Township of Monroe having considered certain changes to Section 4-93.3.4 of the Code of the Township of Monroe in order to meet the needs of all of the residents of the Township of Monroe.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Monroe that Section 4-93.3.4 is hereby amended to include the following:

**SECTION I.** Section 4-93.3.4 is hereby amended as follows:

*Note: additions to the current ordinance are noted by **bold underline**; deletions by ~~strikethrough~~.*

ARTICLE XIA Department of Parks and Recreation.

§ 4-93.3.4. Criminal history background checks concerning Township-sponsored or cosponsored recreation and sports programs.

A. Criminal history record background checks.

- (1) Definitions. The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

**COSPONSORED**

The Township provision of funding or facilities, including maintenance of facilities, and/or approved by the Township as a sports organization, program and league within the Township of Monroe.

**CRIMINAL HISTORY 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 local Police Departments Federal Bureau of Investigation, Identification Division, and the New Jersey State Bureau of Identification in the Division of State Police.

**CRIMINAL HISTORY RECORD INFORMATION or CHRI**

Information collected by criminal justice agencies concerning persons and stored in the computer databases of the New Jersey State Police SBI Criminal History Information System, the National Law Enforcement Telecommunications System or other states' computerized depositories containing criminal history record information consisting of identifiable description and notations of arrests, indictments or other formal criminal charges, and any dispositions arising therefrom, including convictions, dismissals, correctional supervision and release.

**DEPARTMENT**

The Township of Monroe Police Department and/or Department of Parks and Recreation.

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**NONPROFIT YOUTH-SERVING ORGANIZATION**

A corporation, association, or other organization established pursuant to Title 15 of the Revised Statutes, Title 15A of the New Jersey Statutes, or other law of the state, which is exempt from federal income taxes, excluding public or nonpublic schools, and which provides sports-related activities or services for persons 18 years of age or younger, in connection with Monroe Township sponsored or cosponsored sports programs, organizations or leagues.

**ORGANIZATION**

Shall consist of any and all leagues, programs, organizations, and recreation-conducted activities within the Township of Monroe.

**REVIEW COMMITTEE**

A three-member committee consisting of the Department Head of the Township of Monroe Parks and Recreation, the Township's Business Administrator, and the Chief of the Monroe Township Police Department. The Committee shall be charged with the review of all appeals of any volunteer whose criminal history background check reveals a disqualifying criminal conviction.

**SPONSORED**

Leagues, programs, organizations and recreation run directly by the Monroe Township Department of Parks and Recreation, including oversight, control, approval and/or fiscal contribution.

**SUPERVISED**

To have the direction and oversight of the performance of others.

**UNSUPERVISED**

Not supervised or not under constant observation.

**VOLUNTEER**

Any person involved with the Monroe Township-sponsored or cosponsored sports program, organization or league who has regular unsupervised direct access to minors as a result of their involvement with the organization.

**VOLUNTEER REVIEW OPERATION (VRO)**

The unit located within the State Bureau of Identification that is responsible for administering criminal background checks for volunteer coaches as specified in this chapter.

**B. Request for criminal history record background checks; costs.**

- (1) The Township of Monroe is hereby authorized to require a criminal history background check for any person, in accordance with N.J.S.A. 40:48-1.4 for all adults, those persons 18 years of age or older, including but not limited to coaches,

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assistant coaches, umpires or similar positions involved in educating, directing or supervising Township-sponsored youth-serving organizations, including but not limited to nonprofit organizations. All persons subject to the mandatory criminal history background checks under this article shall submit the required information for the purposes of obtaining a criminal history background check with the State Bureau of Identification in the Division of State Police pursuant to N.J.S.A. 15A:3A-3 to the Monroe Township Police Department.

- (2) The Township 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.
- (3) Fees will be collected from each organization each year and placed in a Township trust account to assist with the costs of such background checks.
- (4) All results of criminal background checks shall be filed and maintained in a secure and locked cabinet or room under the control of the Monroe Township Chief of Police and shall not be available to the public. The records shall be exempt from public disclosure under the common law, New Jersey's Open Public Records Act, and any other applicable law or rule. The records shall only be retained for such period as is necessary to serve their intended and authorized purpose, and in conformance with the State of New Jersey Division Retention Schedule.
- (5) Upon receipt of a completed background check conducted by the State Bureau of Identification in the New Jersey State Police, the Chief of Police will then review the criminal history record background check of the person whose check includes a disqualifying crime or offense and inform that party via written notice, explaining that he/she is ineligible for service, and for which offense.
- (6) If a person's criminal history background check reveals any prior conviction for crimes or offenses set forth in N.J.S.A. 15A:3A-1 et seq., or convictions for crimes cited on the recommended guidelines established by the National Council for Youth Sports, or other nationally recognized criteria for evaluating criminal histories in youth-related sports, that individual shall be prohibited from participating in any Township-sponsored youth program, subject to the appeal process set forth below.
- (7) The written notice provided to the offender shall be kept in a file and maintained in the same manner as set forth in paragraph (4) above.
- (8) The ineligible party may challenge the accuracy of the report and/or appeal the Chief of Police's decision according to the procedures detailed in Subsection E below.

C. Conditions under which a person is disqualified from service.

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- (1) Refusal by an individual required to submit the background check will result in a dismissal of the individual from any Township-sponsored activity requiring background checks.
- (2) A person may be disqualified from serving as an employee or volunteer of a youth serving organization, including but not limited to a nonprofit organization, if that person's criminal history record background check reveals a disqualifying record in accordance with the provisions of N.J.S.A. 15A:3A-1 et seq.
- (3) In any other state or jurisdiction, conduct which, if committed in New Jersey would constitute a disqualifying record in accordance with N.J.S.A. 15A:3A-1 et seq. may also constitute grounds for disqualification.
- (4) If an individual has a conviction for crimes cited on the recommended guidelines established by the National Council for Youth Sports, or other nationally recognized criteria for evaluating criminal histories in youth-related sports, they shall be disqualified from serving as an employee or volunteer of a youth serving organization, including but not limited to a nonprofit organization.

D. Submission, exchange of background information.

- (1) Prospective or current employees or volunteers of youth serving organizations, including but not limited to nonprofit organizations, shall submit their names, addresses, fingerprints and written consent to the organization for the criminal history record background check to be performed. The organization shall submit this documentation to the Monroe Township Department of Parks and Recreation, which shall coordinate the background check and refer the information to the State Police for the initial check.
- (2) Thereafter, all subsequent background checks shall be submitted to the Monroe Township Department of Parks and Recreation, which shall coordinate a background check every three years after the date of the initial check by submitting a New Jersey State Police Form 212B to the New Jersey State Police.
- (3) If a volunteer for a Township-sponsored or cosponsored recreation and sports program submits to a background check renewal under §4-93.3.4(D)(2) and the background check renewal is only flagged for a criminal history that was reviewed and approved by the Review Committee during a prior background check, the Chief of Police shall have the sole discretion to approve a background check renewal, without the Review Committee's review and approval of such background check renewal under §4-93.3.4(E).**
- ~~(3)~~**(4)** The Monroe Township Department of Parks and Recreation shall collect and disseminate the information obtained as a result of conducting the criminal history record background checks pursuant to this section, including renewal reminders.

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~~(4)~~**(5)** All individuals who are required to undergo the background check have an affirmative obligation to make their organization aware of any criminal charges or investigation that are filed after the background check, during the three-year period thereafter. Failure to report said arrest or investigation may deem the person ineligible from participating in the approved activity or event.

E. Challenge of accuracy of report and appeal process.

(1) A person is not presumed guilty of any charges or arrests for which there are no final dispositions indicated on the criminal history background check, however, may be considered ineligible due to this pending charge. If in the event said person is considered ineligible, he/she shall have 30 days from the receipt of that notice to petition the Review Committee, in writing addressed to the Township's Business Administrator, of an intention to challenge and/or review the accuracy of the information received, and/or the Chief of Police's determination.

(2) A person whose criminal history record background check reveals a disqualifying offense shall have 30 days from the receipt of that notice to petition the Review Committee, in writing, addressed to the Township's Business Administrator, of an intention to challenge and/or review the accuracy of the information received, and/or the Chief of Police's determination. Failure to do so within the time period shall result in disqualification.

(3) The writing shall include reasons substantiating the challenge and review.

(4) Individuals who receive a disqualifying recommendation may be permitted to be employed as an employee or utilized as a volunteer of a youth-serving organization, including but not limited to a nonprofit organization, if they affirmatively demonstrate rehabilitation to the Review Committee. In determining whether a person has affirmatively demonstrated rehabilitation, the Review Committee shall consider the following factors:

(a) The nature and responsibility of the position which the convicted person would hold or has held.

(b) The nature and seriousness of the offense.

(c) The circumstances under which the offense occurred.

(d) The date of the offense in relation to the date the appellant sought permission to participate in the youth-serving organization.

(e) The age of the person and the victim (if any) when the offense was committed.

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- (f) Whether the offense was an isolated incident or repeated incident.
  - (g) Any social conditions which may have contributed to the offense.
  - (h) Any evidence of rehabilitation, including good conduct in prison or the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of those who have had the person under their supervision.
- (5) The Review Committee shall decide whether the appellant has effectively demonstrated rehabilitation and decide whether to recommend the appellant for service based on a vote with 2/3 majority.
- (6) The Review Committee shall promptly advise an organization in writing if a current or prospective employee or volunteer whose criminal history record background check reveals a disqualifying offense has affirmatively demonstrated rehabilitation and thus, is recommended for service.
- (7) The within procedure is subject to any applicable state statutes, regulations or other laws.
- F. Limitations on access and use of criminal history record information.
- (1) Access to criminal history record information for noncriminal justice purposes, including licensing and employment, is restricted to the members of the Review Committee.
  - (2) The Review Committee shall limit its use of criminal history record information solely to the individual for which it was obtained and the criminal history record information furnished shall not be disseminated to persons or organizations not authorized to receive the records for authorized purposes.
  - (3) No person or entity shall be held liable in any civil or criminal action brought by any party based on any written notification that may be on file with the Monroe Township Police Department pursuant to the provisions of this article.
  - (4) Any person violating federal or state regulations governing access to criminal history records information, which are hereby incorporated into this ordinance, may be subject to criminal and/or civil penalties.
- G. Penalty. Failure to comply with the criminal history background check requirements of this chapter may result in the Township withholding funding for that subject organization and/or prohibiting the use of Township facilities by that organization.

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**SECTION II.** All prior Ordinances or parts of Ordinances inconsistent with the provisions of the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION III.** If any word, phrase, clause, section or provision in this Ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal, or unconstitutional, such word phrase, clause, section or provision shall be severable from the balance of the Ordinance and the remainder of the Ordinance shall remain in full force and effect.

**SECTION IV.** This Ordinance shall take place upon twenty (20) days after final passage and publication as required by law.

**TOWNSHIP OF MONROE**

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**CNCL. PRES., CAROLANN FOX**

**ATTEST:**

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**Twp. Clerk, Aileen Chiselko, RMC  
or Deputy Clerk, Jennifer Harbison, RMC**

**CERTIFICATION OF CLERK**

The foregoing Ordinance was introduced at a meeting of the Township Council of the Township of Monroe held on the 13<sup>th</sup> day of March, 2023, and will be considered for final passage and adoption at a meeting of the Township Council of the Township of Monroe to be held on 27<sup>th</sup> day of March, 2023 at the Municipal Building, 125 Virginia Avenue, Williamstown, New Jersey 08094, at which time any person interested therein will be given an opportunity to be heard.

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**Twp. Clerk, Aileen Chiselko, RMC  
or Deputy Clerk, Jennifer Harbison, RMC**

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**ROLL CALL VOTE**

**1<sup>st</sup> Reading**

|                        | <b>AYES</b> | <b>NAYS</b> | <b>ABSTAIN</b> | <b>ABSENT</b> |
|------------------------|-------------|-------------|----------------|---------------|
| <b>Cncl. Adams</b>     |             |             |                |               |
| <b>Cncl. Garbowski</b> |             |             |                |               |
| <b>Cncl. Heverly</b>   |             |             |                |               |
| <b>Cncl. McKinney</b>  |             |             |                |               |
| <b>Cncl. O'Reilly</b>  |             |             |                |               |
| <b>Cncl. Valcourt</b>  |             |             |                |               |
| <b>Cncl. Pres. Fox</b> |             |             |                |               |
| <b>Tally:</b>          |             |             |                |               |

**2<sup>nd</sup> Reading**

|                        | <b>AYES</b> | <b>NAYS</b> | <b>ABSTAIN</b> | <b>ABSENT</b> |
|------------------------|-------------|-------------|----------------|---------------|
| <b>Cncl. Adams</b>     |             |             |                |               |
| <b>Cncl. Garbowski</b> |             |             |                |               |
| <b>Cncl. Heverly</b>   |             |             |                |               |
| <b>Cncl. McKinney</b>  |             |             |                |               |
| <b>Cncl. O'Reilly</b>  |             |             |                |               |
| <b>Cncl. Valcourt</b>  |             |             |                |               |
| <b>Cncl. Pres. Fox</b> |             |             |                |               |
| <b>Tally:</b>          |             |             |                |               |

The foregoing ordinance was hereby approved by the Mayor of the Township of Monroe on this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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**MAYOR GREGORY A. WOLFE**