

**Chapter 68**

**RECREATION COMMISSIONERS, BOARD OF**

**ARTICLE I**

**Establishment, Membership, Etc.**

- § 68-1. **Establishment.**
- § 68-2. **Appointment of members; terms of office; vacancies; compensation.**
- § 68-3. **Manner of raising funds.**
- § 68-4. **Authority of Board; staffing of recreation areas.**

**ARTICLE II**

**Criminal History Background Checks**

- § 68-5. **Applicability.**
- § 68-6. **Definitions.**
- § 68-7. **Requests for criminal background checks.**
- § 68-8. **Conditions for disqualification from service.**
- § 68-9. **Submission and exchange of background information.**
- § 68-10. **Limitations on access and use.**
- § 68-11. **Challenge to accuracy of report.**
- § 68-12. **Appeal process; Appeals Panel.**

**[HISTORY: Adopted by the Mayor and Council of the Borough of Wood-Ridge 12-26-1975 by Ord. No. 700 as Section 2-14 of Chapter II of the 1975 Revised General Ordinances of the Borough of Wood-Ridge. Amendments noted where applicable.]**

## GENERAL REFERENCES

Parks and playgrounds — See Ch. 186.

ARTICLE I  
**Establishment, Membership, Etc.**

**§ 68-1. Establishment.**

A Board of Recreation Commissioners is hereby established, which shall consist of not less than three nor more than seven persons, citizens and residents of the Borough.

**§ 68-2. Appointment of members; terms of office; vacancies; compensation.**

The Mayor, in his discretion, shall appoint the members of the Board of Recreation Commissioners. The Commissioners first appointed shall hold office for one, two, three, four and five years respectively. In case of an increase of the Board from five to seven members, the additional Commissioners shall be appointed as follows: one for four years and one for five years. All appointments shall run from the day in the year such appointment is made and until the successor is duly appointed and has qualified. Thereafter all appointments shall be made for the term of five years, and vacancies shall be filled for the unexpired term only. The members shall receive no compensation for their services.

**§ 68-3. Manner of raising funds.**

- A. In order to provide the funds necessary, in whole or in part, to improve, maintain and police the playgrounds or recreation places under its control, the Board of Recreation Commissioners may arrange and provide for the giving of exhibitions, concerts, games and contests and may use and employ such playgrounds or recreation places for the purpose of giving thereon exhibitions, concerts, games and contests.

- B. The Board may charge and collect a reasonable admission fee for each person entering such playground or recreation place as a spectator during the time or times when the same is being used or employed for such purposes. No admission fee shall be charged or collected from children under 12 years of age.

**§ 68-4. Authority of Board; staffing of recreation areas.**

- A. The Board of Recreation Commissioners shall have full control over all lands, playgrounds and recreation places acquired or leased under the provisions of N.J.S.A. 40:12-1 to 40:12-9 and may adopt suitable rules, regulations and bylaws for the use thereof and the conduct of all persons while on or using the same. Any person who violates such rules, regulations or bylaws shall be deemed and adjudged to be a disorderly person.
- B. The Board may appoint a secretary or clerk and such number of custodians, supervisors and assistants for the several playgrounds and recreation places under its control as it deems necessary and fix and determine their salaries.

ARTICLE II

**Criminal History Background Checks**

[Added 4-11-2006 by Ord. No. 2006-2; amended 10-20-2009 by Ord. No. 2009-22]

**§ 68-5. Applicability.**

This article applies to criminal history background checks of employees and volunteers involved with programs involving minors.

**§ 68-6. Definitions.**

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

**BOROUGH-SPONSORED PROGRAMS** — Any programs sponsored by the Borough which provide and utilize Borough facilities and/or Borough property and/or are covered under the Borough's insurance.

**CRIMINAL HISTORY RECORD BACKGROUND CHECK** — A determination of whether a person has a criminal record by cross-referencing that person's name, date of birth, social security number and/or fingerprints with those on file with the Federal Bureau of Investigation, New Jersey State Police and any agency deemed necessary by the contracted entity appointed by the Borough of Wood-Ridge to obtain criminal history background information.

**CRIMINAL HISTORY RECORD INFORMATION** — Information collected by criminal justice agencies concerning persons and stored in the computerized databases of New Jersey courts and/or law enforcement agencies or other states' computerized repositories containing criminal history record information consisting of identifiable descriptions and notations of arrests, indictments, or other formal criminal charges, and any dispositions arising therefrom, including convictions, dismissals, correctional supervision and release.

**DEPARTMENT** — The Borough of Wood-Ridge Police Department.

**NONCRIMINAL JUSTICE PURPOSE** — Any purpose, other than administration of criminal justice or a criminal justice purpose, including employment and licensing, for which applicant fingerprints or name search requests are submitted by authorized requesters, as required or permitted by a federal or state statute, rule or regulation, executive order, administrative code provision, local ordinance, resolution or by this article, to any law enforcement agency or other states' computerized repositories for the dissemination of criminal history record information.

**NONPROFIT YOUTH-SERVICING ORGANIZATION or ORGANIZATION** — A corporation, association or other organization established pursuant to Title 15 of the New Jersey

Revised Statutes, Title 15A of the New Jersey Revised Statutes, or other law of this state, but excluding public and nonpublic schools, and which provides recreational, cultural, charitable, social or other activities or services for persons younger than 18 years of age.

**§ 68-7. Requests for criminal background checks.**

- A. The Borough requires that all employees and volunteers of a nonprofit youth-serving organization request through the Department that the contracted entity conduct a criminal history record background check on each prospective and current employee or volunteer of the organization. A criminal history record background check at the same level performed by the same third-party independent agency contracted by the Borough within one year of the date of application to serve as an employee or volunteer of a nonprofit youth-serving organization shall be accepted by the Borough as a valid criminal history record background check.
- B. The Borough shall facilitate a criminal history record background check only upon receipt of the written consent from the prospective or current employee or volunteer.

**§ 68-8. Conditions for disqualification from service.**

- A. A person may be disqualified from serving as an employee or volunteer of a nonprofit youth-serving organization if that person's criminal history record background check reveals a record of conviction of any of the following crimes or offenses:
- (1) In New Jersey, any crime or disorderly persons offense:
    - (a) N.J.S.A. 2C:11, homicide: all offenses.
    - (b) N.J.S.A. 2C:12, aggravated assault; endangering; threats: all offenses.

- (c) N.J.S.A. 2C:13, kidnapping: all offenses.
  - (d) N.J.S.A. 2C:14, sexual offenses: all offenses.
  - (e) N.J.S.A. 2C:15, robbery: all offenses.
  - (f) N.J.S.A. 2C:24, offenses against the family, children and incompetents: all offenses.
  - (g) N.J.S.A. 2C:35, controlled dangerous substances: all offenses except Paragraph (4) of Subsection (a) of N.J.S.A. 2C:35-10.
- (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 A(1).
- B. For purposes of interpreting the information recorded in a criminal history record to determine the qualifications of the employee or volunteer of a nonprofit youth-servicing organization and/or the employee or volunteer involved with Borough-sponsored programs involving minors, the Borough shall presume that the employee or volunteer is innocent of any charges or arrests for which there are no final dispositions on the record.
- C. The determination of whether the information contained in the criminal history record background check is sufficient to disqualify an employee or volunteer shall be made by the contracted entity that is contracted by the Borough of Wood-Ridge. A person who is disqualified from employment or serving as a volunteer due to the results of a criminal history record background check shall be notified by the Borough Administrator that he or she has been disqualified. The disqualified person shall be entitled to file an appeal with the Criminal Background Check Appeal Panel created pursuant to § 68-12.

**§ 68-9. Submission and exchange of background information.**

- A. Prospective or current employees and volunteers of nonprofit youth-serving organizations and/or employees and volunteers of Borough-sponsored programs involving minors 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 designated contracted entity, which shall coordinate the background check. Thereafter, all subsequent background checks shall be submitted to the designated contracted entity every three years after the date of the initial check.
- B. The contracted entity shall act as a clearinghouse for the collection and dissemination of information obtained as a result of conducting criminal history record background checks pursuant to this section.
- C. The Borough may, in its discretion, engage the services of a qualified entity to conduct the criminal history record background checks authorized under this section.

**§ 68-10. Limitations on access and use.**

- A. Access to criminal history record information for noncriminal justice purposes, including licensing and employment, is restricted to authorized personnel in the nonprofit youth-serving organization and/or the Borough-sponsored program involving minors, on a need to know basis, as authorized by federal or state statute, rule or regulation, executive order, administrative code, or local ordinance or resolution regarding obtaining and dissemination of criminal history record information obtained under this section.
- B. Such persons or organizations shall limit their use of criminal history record information solely to the authorized purpose for which it was obtained and criminal

history record information furnished shall not be disseminated to persons or organizations not authorized to receive the records for authorized purposes. Use of this record shall be limited solely to the authorized purpose for which it was given and it shall not be disseminated to any unauthorized persons. This record shall be destroyed immediately after it has served its intended and authorized purpose. Any person violating federal or state regulations governing access to criminal history record information may be subject to criminal and/or civil penalties.

**§ 68-11. Challenge to accuracy of report.**

If this criminal history record may disqualify an applicant or existing employee or volunteer for any purpose, the Borough shall provide the disqualified person with an opportunity to challenge the accuracy of the information contained in the criminal history record. The disqualified person shall be afforded a reasonable period of time to challenge and correct this record. A person is not presumed guilty of any charges or arrests for which there are no final dispositions indicated on the record.

**§ 68-12. Appeal process; Appeals Panel.**

- A. Criminal background check appeal process. If the criminal background check disqualifies an employee or volunteer or denies the challenge concerning the accuracy of a criminal history report, the employee or volunteer may appeal that determination by filing a written notice of appeal with the Clerk of the Borough of Wood-Ridge no later than 20 days after receiving the determination from the Borough Administrator. Any appeal requested shall proceed before the Criminal Background Check Appeal Panel.
- B. Criminal Background Check Appeal Panel. In order to monitor and supervise the enforcement of this article by the Borough Administrator, the Borough of Wood-Ridge

herby creates a Criminal Background Check Appeal Panel, which shall consist of three members: the Chief of Police, Borough Administrator and Borough Attorney.

- C. Powers of the Appeal Panel. The Criminal Background Check Appeal Panel is granted and shall have and exercise, in addition to other powers herein granted, all the powers necessary and appropriate to carry out and execute the purposes of this article, including but not limited to holding hearings and adjudicating appeals by employees and volunteers dissatisfied with the determination of the criminal background check concerning the disqualification of the employee or volunteer and/or the accuracy of the criminal history record.