

**ORDINANCE 2011- 24    AMENDING ORDINANCE 2011-16 OF THE  
TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW  
JERSEY, ESTABLISHING BACKGROUND CHECKS FOR VOLUNTEER  
SPORTS ORGANIZATIONS**

**WHEREAS**, pursuant to N.J.S.A. 40:48-2, the Township of Berlin (“Township”) is authorized to enact such ordinances as deemed necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants; and

**WHEREAS**, on June 13, 2011, and consistent with the authority cited above, the Governing Body adopted Ordinance 2011-16, which provides for criminal background checks for adults who, in any way, assist in the function of volunteer sports organizations; and

**WHEREAS**, in its current form, Ordinance 2011-16 provides that the Township shall bear the cost for the background checks for individuals who assist or are involved in any way with Township-sponsored youth programs; and

**WHEREAS**, it is believed that certain such individuals are entitled to and receive reimbursement from outside agencies for the costs associated with such background checks; and

**WHEREAS**, the Mayor and Township Council have determined that it is in the best interest of the residents and taxpayers that the Township be reimbursed by those individuals who receive reimbursement from outside agencies;

**NOW THEREFORE**, be it Ordained by the Mayor and Township Council of the Township of Berlin, County of Camden, State of New Jersey, that Ordinance 2011-16 is hereby amended, revised and supplemented as follows:

**SECTION 1:** Section 39-3 as set forth in Ordinance 2011-16 shall be amended to provide as follows:

**§39-3. 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 Berlin Township sponsored function participated in by children, shall submit sufficient information on forms supplied by the Berlin Township Police Department 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 Berlin Township Chief of Police.

The individual applying for the background check shall authorize the Berlin Township Chief of Police 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 Berlin 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 Berlin shall bear the costs for the background checks for individuals qualified under this section, subject to the provisions of Section 39-3(C).

B. [NO CHANGE].

C. Individuals who submit a fully compliant application for reimbursement of costs associated with criminal background checks to any agency or foundation that provides for such reimbursement shall, upon receipt of said monies, transmit same to the Township. In no event, however, shall the Township receive any monies in excess of the costs paid by the Township pursuant Section 39-3(A).

**SECTION 2:** Ordinance 2011-16 shall be supplemented to include the following new provision:

#### **§ 39-9. Enforcement.**

The Township of Berlin, through its designated agents, including the Township Police Department, shall diligently enforce the provisions of this Chapter.

**SECTION 3:** Except as set forth in Sections 1 and 2 above, the balance of Ordinance 2011-16 shall not be affected by this Ordinance.

**SECTION 4:** All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 5:** 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.

**SECTION 6:** This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

Introduced: November 21, 2011

Notice is hereby given that the foregoing Ordinance was introduced and passed upon first reading at a meeting of the Mayor and Council of the Township of Berlin, Camden County, New Jersey on November 21, 2011 and the same was ordered published pursuant to statute. Said ordinance will be further considered for final adoption at a meeting of the

Mayor and Council of the Township of Berlin on December 12, 2011 at 6:30 p.m. at the Berlin Township Municipal Hall, 135 Route 73 South, West Berlin, NJ.

Catherine Underwood  
Township Clerk