

**ORDINANCE NO. 2019- 30**

**ORDINANCE AMENDING ORDINANCE 2010-15, AS AMENDED, CHAPTER 507, ARTICLE IV OF THE CODE OF THE CITY OF VINELAND ENTITLED BACKGROUND CHECKS.**

**WHEREAS**, on March 23, 2010, City Council of the City of Vineland adopted Ordinance 2010-15 requiring all persons involved in youth programs in the City of Vineland utilizing City property, whether sponsored by the City or Recreation Commission or non-sponsored programs, obtain a background check conducted by the State Bureau of Identification in the New Jersey State Police and/or Federal Bureau of Investigation to determine if the person has any prior convictions for crimes or offenses which negatively impact the health, safety or welfare of children; and

**WHEREAS**, on August 9, 2011 City Council adopted Ordinance 2011-39 providing an appeals process for persons who are otherwise disqualified from serving in any youth programs in the City so such person may provide evidence alleging they have been rehabilitated for certain offenses only; and

**WHEREAS**, N.J.S.A. 2C:52-1 et seq. provides for a process by which a person who has been charged and/or convicted of crimes or offenses may provide proof to the Judge in the Superior Court that said person has been rehabilitated and meets the qualifications set forth in said Statute to remove from their criminal history record any evidence of an arrest and/or conviction which would prohibit that person from becoming involved with programs within the City for persons under the age of 18 in accordance with Chapter 507 of the Code of the City of Vineland; and

**WHEREAS**, said Statute requires notice and right to be heard for said expungement to the State Attorney General, State Police, County Prosecutor, Municipal Judge, Municipal Prosecutor among other interested parties and after careful consideration, a determination is made by the Superior Court Judge regarding the person's rehabilitation; and

**WHEREAS**, it is not the intent of City Council to supplant the expungement process as specified in State Statute which is more in depth and considers information not available to a Background Check Appeal Panel created in accordance with Chapter 507, Article IV, Section 507-24C and D and therefore more reliable; and

**WHEREAS**, the Recreation Commission of the City of Vineland has adopted a Resolution recommending the City Council consider amending Chapter 507, Article IV of the Code of the City of Vineland to delete any local appeal process and instead rely on the expungement process; and

**WHEREAS**, City Council finds it to be in the best interest of the City and the youth of the City to delete Section 507-24C and D regarding the Background Check Appeal Panel

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Vineland that Chapter 507 Article IV Section 507-24 shall be amended as follows:

1. Section 507-24 shall be renamed "Disqualification"
2. Section 507-24C and Section 507-24D shall be deleted in their entirety.

**BE IT FURTHER ORDAINED** that the balance of Ordinance not amended hereby shall remain in full force and effect.

**BE IT FURTHER ORDAINED** that should any portion of this Ordinance be deemed unenforceable by a court of competent jurisdiction, that portion so determined to be unenforceable, shall be void and the balance hereof shall remain in full force and effect.

**BE IT FURTHER ORDAINED** that should any Ordinance or portion thereof be inconsistent herewith, such Ordinance or portion thereof shall be void to the extent of such inconsistencies.

CITY OF VINELAND

This Ordinance shall take effect upon adoption and publication according to law.

Passed first reading:

Passed final reading:

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President of Council

ATTEST:

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City Clerk