

ORDINANCE NO. 2026-

ORDINANCE AMENDING CHAPTER 2, "ADMINISTRATION," BY CREATING NEW SECTION 2-7.10 "BACKGROUND CHECKS FOR BOROUGH OF KEYPORT VOLUNTEERS" THE CODE OF THE BOROUGH OF KEYPORT

WHEREAS, the Borough of Keyport (the "Borough") is desirous of amending Chapter 2, "Administration," by creating new Section 2-7.10, "Background Checks for Borough of Keyport Volunteers";

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Keyport that the following new Subsection of Chapter 2 of the Borough Code be and is hereby created to read as follows:

Deletions are noted by ~~strikethroughs~~  
Additions are indicated in **bold underline**  
Language that remains unchanged is not highlighted in anyway

**SECTION I**

Chapter 2 Administration

**§2-7.10 Criminal History Background Checks for Borough Volunteers; Costs.**

- a. **Establishment. There is hereby established a requirement for criminal history background checks of all Borough volunteers. The Borough Administrator or Chief of Police are hereby authorized to require a criminal history background check of any person in accordance with N.J.S.A. 40:48-1.4 for any governmental purpose, including but not limited to all current members and all applicants of any Borough board, commission or committee in which the members are appointed by the Mayor or Borough Council.**
  1. **All persons subject to the mandatory criminal history background checks under this Subsection shall submit to being fingerprinted in accordance with applicable state and federal laws, rules and regulations. The Borough Administrator and/or Chief of Police are authorized to exchange fingerprint data with and receive criminal history information from the State Bureau of Identification in the Division of State Police and the Federal Bureau of Investigation. Any person who has submitted to a criminal background check, upon request shall be permitted to review the results of the check.**
  2. **The Borough of Keyport shall bear the costs associated with conducting the criminal history record background checks for Borough Volunteers.**

- b. Disqualification from Service. A person will be automatically disqualified from serving as a volunteer of a Borough board, commission or committee if that person refuses to submit to the mandatory criminal history background check required by this Subsection.
- c. Crime or Disorderly Person's Offense. A person will also be disqualified from serving as a volunteer of a Borough board, commission or committee if that person's criminal history background check reveals a record of conviction for any crime, disorderly person's offense or crime of moral turpitude, including but not limited to the following:
1. Involving danger to the person, meaning those crimes and disorderly persons offenses as set forth in N.J.S.A. 2C:11-1 et seq., such as criminal homicide; N.J.S.A. 2C:12-1 et seq., such as assault, reckless endangerment, threats, stalking; N.J.S.A. 2C:13-1 et seq., such as kidnapping; N.J.S.A. 2C:14-1 et seq., such as sexual assault; or N.J.S.A. 2C:15-1 et seq., such as robbery;
  2. Against the family, children or incompetents, meaning those crimes and disorderly persons offenses set forth in N.J.S.A. 2C:24-1 et seq., such as endangering the welfare of a child;
  3. Involving theft, as set forth in Chapter 20 of Title 2C of the New Jersey Statutes;
  4. Involving any controlled dangerous substance or controlled substance analog as set forth in Chapter 35 of Title 2C of the New Jersey Statutes, except Paragraph (4) of Subsection (a) of N.J.S.A. 2C:35-10, possession of 50 grams or less of marijuana.
- d. Conduct in any other state which, if committed in New Jersey would constitute a crime or disorderly person's offense shall be considered a disqualifying offense.
- e. Challenge of Accuracy. If the criminal history background check results in disqualification of a volunteer or applicant for any reason, such person shall be provided an opportunity to challenge the accuracy of the information contained therein. The person shall be afforded a reasonable period of time to correct their record and provide an amended record. Failure to do so within a reasonable time period shall result in disqualification.
- f. Appeals by Applicant/Volunteer; Appeal Committee. An appeal based on rehabilitation shall be made to an appeal committee which shall consist of the Chief of Police, Borough Administrator and a designee of the governing body. The appeal committee is hereby designated to hear an appeal that is brought forth by any person deemed disqualified as a result of a criminal history check. The person shall have 30 days from the receipt of the notice of disqualification to petition the appeal committee for a review.
- g. Results Not Automatically Disqualifying. A current volunteer or applicant for volunteer position need not be automatically disqualified from serving as a

**volunteer on a basis of conviction disclosed in a criminal history background check if said person has affirmatively demonstrated to the appeal committee clear and convincing evidence of his or her rehabilitation. The appeal committee may consider the following factors:**

1. **The nature and responsibility of the position which the convicted person would hold;**
  2. **The nature and seriousness of the offense;**
  3. **The circumstances under which the offense occurred;**
  4. **The date of the offense and if sufficient time has passed;**
  5. **The age of the person when the offense was committed;**
  6. **Whether the offense was an isolated or repeated incident;**
  7. **Any social conditions which may have contributed to the offense;**
  8. **Any evidence of rehabilitation, including good conduct, counseling or psychiatric treatment received.**
- h. **The appeals 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. This information shall be limited solely to the authorized purpose for which it was given, and it shall not be disseminated to any unauthorized person. Any person violating federal or state regulations governing access to criminal history records information may be subject to criminal and/or civil penalties.**
- i. **If the appeals committee determines that the disqualified person has been successfully rehabilitated, it shall enter that person's name on the list of qualified volunteers maintained by the Borough Clerk.**

## **SECTION II**

If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudications shall apply to the section, paragraph, subsection, clause, or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid in effect.

## **SECTION III**

Any ordinance or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

## **SECTION IV**

This Ordinance shall take effect upon passage and publication in accordance with the applicable law.

Introduced: March 17, 2026  
Public Hearing: April 7, 2026  
Adopted:

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Michele Clark, RMC  
Borough Clerk

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Mayor Rose P. Araneo  
Borough of Keyport