

**ETHICS, CODE OF**

**Chapter 14**

**ETHICS, CODE OF**

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[**HISTORY: Adopted by the Town Board of the Town of Newfane 7-28-70. Amendments noted where applicable.**]

## ARTICLE I

### Intent of the Town Board

§ 14-1. Legislative intent.

The Town Board of the Town of Newfane recognizes that there are state statutory provisions mandating towns to establish rules and standards of ethical conduct for public officers and employees which, if observed, can enhance public confidence in local government. In the light of a tendency today on the part of some people to downgrade our local governments and to discredit our public servants and our free institutions generally, it appears necessary that every effort be made to assure the highest caliber of public administration of this town as part of our state's important system of local government. It is the purpose of this chapter to implement this objective through the establishment of standards of conduct, to provide for punishment for violation of such standards and to create a Board of Ethics to render advisory opinions to the town's officers and employees as provided for herein.

§ 14-2. Applicability of other laws.

The standards, prohibited acts and procedures established herein are in addition to any prohibited acts, conflicts of interest provisions or procedures prescribed by statute of the State of New York, and also in addition to common-law rules and judicial decisions relating to the conduct of town officers to the extent that the same are more severe in their application than this chapter.

ARTICLE II  
Code of Ethics

§ 14-3. Definitions.

As used in this chapter:

TOWN — Shall mean any board, commission, district, council or other agency, department or unit of the government of the Town of Newfane.

TOWN EMPLOYEE — Shall mean any officer or employee of the Town of Newfane, whether paid or unpaid, whether serving in a full-time, part-time or advisory capacity.

§ 14-4. Conflicts of interest.

No town employee shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity, or incur any obligation of any nature, which is in substantial conflict with the proper discharge of his duties in the public interest.

§ 14-5. Standards.

- A. No town employee shall accept other employment which will impair his independence of judgment in the exercise of his official duties.
- B. No town employee shall accept employment or engage in any business or professional activity which will require him to disclose confidential information which he has gained by reason of his official position or authority.
- C. No town employee shall use or attempt to use his official position to secure unwarranted privileges or exemptions for himself or others.

- D. No town employee shall engage in any transaction as representative or agent of the town with any business entity in which he has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of his official duties.
- E. A town employee shall not by his conduct give reasonable basis for the impression that any person can improperly influence him or unduly enjoy his favor in the performance of his official duties or that he is affected by the kinship, rank, position or influence of any party or person.
- F. Each town employee shall abstain from making personal investments in enterprises which he has reason to believe may be directly involved in decisions to be made by him or which will otherwise create substantial conflict between his duty in the public interest and his private interest.
- G. Each town employee shall endeavor to pursue a course of conduct which will not raise suspicion among the public that he is likely to be engaged in acts that are in violation of his trust.
- H. No town employee employed on a full-time basis, nor any firm or association of which such employee is a member, nor corporation a substantial portion of the stock of which is owned or controlled directly or indirectly by such employee, shall sell goods or services to any person, firm, corporation or association which is licensed or whose rates are fixed by the town in which such employee serves or is employed.

**§ 14-6. Penalties for offenses.**

In addition to any penalty contained in any other provision of law, any such town employee who shall knowingly and

intentionally violate any of the provisions of this chapter may be fined, suspended or removed from office or employment in the manner provided by law.

ARTICLE III  
**Board of Ethics**  
**[Amended 2-23-71]**

**§ 14-7. Questions to be referred to Niagara County Board of Ethics.**

Any questions of violation of the Code of Ethics of the Town of Newfane will be presented to the Niagara County Board of Ethics for a ruling.

ARTICLE IV  
**Administration**

**§ 14-8. Distribution and posting of code.**

Upon the adoption of this chapter, the Town Supervisor shall cause a copy thereof to be distributed to every town employee of this town. Failure to distribute any such copy or failure of any town employee to receive such copy shall have no effect on the duty of compliance with this code nor the enforcement of provisions hereof. The Town Supervisor shall further cause a copy of this chapter to be kept posted conspicuously in each public building under the jurisdiction of the town. Failure to so post this chapter shall have no effect on the duty of compliance herewith nor the enforcement of provisions hereof.

**§ 14-9. Filing of provisions with State Comptroller.**

Within thirty (30) days of the adoption of this chapter, the Town Clerk shall file a copy thereof in the office of the State Comptroller.

**§ 14-10. Appropriation of moneys for use of Board.**

The Town Board may appropriate moneys from the general town funds for the maintenance of and for personnel services to the Board of Ethics established hereunder, but such Board of Ethics may not commit the expenditure of town moneys except within the appropriations provided herein.

**§ 14-11. Severability.**

If any clause, sentence, paragraph, section or part of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**§ 14-12. When effective.**

This chapter shall take effect immediately.