

ETHICS, CODE OF

Chapter 36

ETHICS, CODE OF

ARTICLE I
General Provisions

§ 36-1. **Purpose and construction.**

ARTICLE II
Code of Ethics

§ 36-2. **Definitions.**

§ 36-3. **Conflicts of interest.**

§ 36-4. **Standards of conduct.**

§ 36-5. **Penalties for offenses.**

ARTICLE III
Board of Ethics

§ 36-6. **Board established; membership.**

§ 36-7. **Duties.**

§ 36-8. **Rules and regulations; records.**

ARTICLE IV
Administration

§ 36-9. **Distribution; posting.**

§ 36-10. **Filing with Comptroller.**

§ 36-11. **Appropriation of funds.**

[HISTORY: Adopted by the Town Board of the Town of Niagara 7-13-1970 by L.L. No. 1-1970. Amendments noted where applicable.]

ARTICLE I
General Provisions

§ 36-1. Purpose and construction.

This chapter, applicable to all municipal employees and officers of the Town of Niagara, is adopted as a supplement to the provisions of Article 18 of the General Municipal Law of the State of New York for the purpose of describing Chapter 946, § 1, of the Laws of 1964, and it shall be construed to give effect thereto.

ARTICLE II
Code of Ethics

§ 36-2. Definitions.

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

INTEREST¹ — A direct or indirect pecuniary or material benefit accruing to a municipal officer or employee as the result of a contract with the municipality which such officer or employee serves. For the purposes of this chapter, a municipal officer or employee shall be deemed to have an interest in the contract of:

- A. His or her spouse, minor children and dependents, except a contract of employment with the municipality which such officer or employee serves.
- B. A firm, partnership or association of which such officer or employee is a member or employee.

¹ Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- C. A corporation of which such officer or employee is an officer, director or employee.
- D. A corporation, any stock of which is owned or controlled directly or indirectly by such officer or employee.

TOWN — Any board, commission, district, council or other agency, department or unit of the government of the Town of Niagara.

TOWN EMPLOYEE — Any officer or employee of the Town of Niagara, whether paid or unpaid, whether serving in a full-time, part-time or advisory capacity.

§ 36-3. 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 or her duties in the public interest.

§ 36-4. Standards of conduct.

- A. No town employee shall accept other employment which will impair his or her independence of judgment in the exercise of his or her official duties.
- B. No town employee shall accept employment or engage in any business or professional activity which will require him or her to disclose confidential information which he or she has gained by reason of his or her official position or authority.
- C. No town employee shall use or attempt to use his or her official position to secure warranted privileges or exemptions for himself or herself 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 or she has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of his or her official duties.

- E. A town employee shall not by his or her conduct give reasonable basis for the impression that any person can improperly influence him or her or unduly enjoy his or her favor in the performance of his or her official duties, or that he or she 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 or she has reason to believe may be directly involved in decisions to be made by him or her or which will otherwise create substantial conflict between his or her duty in the public interest and his or her private interest.
- G. Each town employee shall endeavor to pursue a course of conduct which will not raise suspicions among the public that he or she is likely to be engaged in acts that in violation of his or her 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 lives or is employed.
- I. Each town employee shall, to the extent that he or she is cognizant thereof, disclose any interest he or she may have in legislation before the Town Board.
- J. No town employee, within one year after the termination of his or her service or employment with the town, shall accept employment which will involve contacts with the town which can work to his or her special advantage by virtue of his or her prior contact and relationship with the town.

§ 36-5. Penalties for offenses.

Any such town employee who shall knowingly and intentionally violate any of the provisions of this chapter may be subject to penalties in the manner provided by law.

ARTICLE III
Board of Ethics

§ 36-6. Board established; membership.

There is hereby established a Board of Ethics consisting of three members to be appointed by the Town Board, all of whom reside in the Town of Niagara and who shall serve without compensation and at the pleasure of the Town Board of the Town of Niagara. A majority of such members shall be persons other than town employees but shall include at least one member who is an elected or appointed town employee of the Town of Niagara.

§ 36-7. Duties.

The Board of Ethics established hereunder shall render advisory opinions to town employees on written request and, upon request of the Town Board, make recommendations to such Town Board as to any amendments of this chapter. The opinions of the Board of Ethics shall be advisory and confidential and in no event shall the identity of the town employee be disclosed except to authorized persons and agencies. Such opinions shall be on the advice of counsel employed by the Board of Ethics or, if none, of the Town Attorney.

§ 36-8. Rules and regulations; records.

Such Board of Ethics upon its formation shall promulgate its own rules and regulations as to its form and procedures and

§ 36-8

NIAGARA CODE

§ 36-11

shall maintain appropriate records of its opinions and proceedings.

ARTICLE IV
Administration

§ 36-9. Distribution; posting.

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 chapter, 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.

§ 36-10. Filing with Comptroller.

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

§ 36-11. Appropriation of funds.

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.