

DIVISION 2
Ethics

Sec. 2-2-66. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

INTEREST — 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. A municipal officer or employee shall be deemed to have an interest in the contract of any of the following:

- (1) The employee's spouse, minor children and dependents except a contract of employment with the municipality which the officer or employee serves.
- (2) A firm, partnership or association of which the officer or employee is a member or employee.

- (3) A corporation of which the officer or employee is an officer, director or employee.
- (4) A corporation, any stock of which is owned or controlled directly or indirectly by the officer or employee.

MUNICIPAL OFFICER OR EMPLOYEE — An officer or employee of the City, whether paid or unpaid, including a member of any administrative board, commission or other agency of the City. No person shall be deemed to be a municipal officer or employee solely by reason of being a volunteer firefighter or civil defense volunteer, except a fire chief or assistant fire chief.

Sec. 2-2-67. Purpose; rules adopted. [Code 1964, § 9-76]

Pursuant to the provisions of Section 806 of the General Municipal Law, the Common Council recognizes that there are rules of ethical conduct for public officers and employees which must be observed if a high degree of moral conduct is to be obtained and if public confidence is to be maintained in the unit of local government. It is the purpose of this division to promulgate these rules of ethical conduct which shall serve as a guide for official conduct of the officers and employees. The rules of ethical conduct of this division, as adopted, shall not conflict with but shall be in addition to any prohibition of Article 18 [§ 800 et seq.] of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.

Sec. 2-2-68. Distribution of Code of Ethics. [Code 1964, § 9-80]

The Mayor shall distribute a copy of this Code of Ethics to every officer and employee within 15 days after December 2, 1970. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of office or employment.

Sec. 2-2-69. Penalties. [Code 1964, § 9-81]

In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this division may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

Sec. 2-2-70. Gifts. [Code 1964, § 9-78(a)]

No person who is an officer or employee shall directly or indirectly solicit any gift or accept or receive any gift having a value of \$75 or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence the person or could reasonably be expected to influence the person in the performance of the person's official duties or was intended as a reward for any official action on the person's part.

Sec. 2-2-71. Political activity. [Code 1964, § 9-78(b)]

No officer or employee shall, directly or indirectly, compel subscription or contribution to any political party or for any political purpose.

Sec. 2-2-72. Disclosure of confidential information. [Code 1964, § 9-78(c)]

No officer or employee, whether paid or unpaid, shall disclose confidential information concerning the property, government or affairs of the City or any other confidential information of an official character except when permitted or required by law, nor shall the officer or employee use such information to advance personal financial or other private interests or the financial or other interests of others.

Sec. 2-2-73. Representation before one's own agency. [Code 1964, § 9-78(d)]

No person who is an officer or employee shall receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which the person is an officer, member or employee or of any municipal agency over which the person has jurisdiction or to which the person has the power to appoint any member, officer or employee.

Sec. 2-2-74. Disclosure of interest in legislation. [Code 1964, § 9-78(e)]

No person who is an officer or employee, whether paid or unpaid, who has a direct or indirect financial or other private interest in any matter being considered by the Common Council or by any other official board, agency, officer or employee and who participates in discussions before or gives opinion to such board, agency, or individual shall publicly disclose on the official record the nature and extent of such interest. Any person who is an officer or employee, whether paid or unpaid, who has knowledge of any matter being considered by any board, agency, officer or employee in which the person has any direct or indirect financial or other private interest shall be required to disclose in writing the person's interest to such board, agency, officer or employee and the nature and extent of the interest. A copy of every disclosure required in this section including a copy of every transcript containing such a disclosure shall be promptly transmitted by the board, agency, officer or employee receiving such disclosure to the City Clerk who shall file and maintain the disclosure as a public record.

Sec. 2-2-75. Investments in conflict with official duties. [Code 1964, § 9-78(f)]

No officer or employee shall invest or hold any investment directly or indirectly in any financial, business, commercial or other private transaction which will impair the independence of judgment in the exercise of the official duties of the officer or employee or will interfere in any manner whatsoever with the discharge of official duties.

Sec. 2-2-76. Incompatible employment. [Code 1964, § 9-78(g)]

No elected official or other officer or employee or board member, whether paid or unpaid, shall engage in or accept private employment or render services for private interests when the employment or service is incompatible with the proper discharge of official duties.

Sec. 2-2-77. Representation before City after termination of employment. [Code 1964, § 9-78(h)]

No person who is an officer or employee shall, after termination of service or employment with the City, appear before any board or agency of the City in relation to any case, proceeding or application in which the officer or employee personally participated during the period of service or employment or which was under the person's active consideration.

Sec. 2-2-78. Claims for personal injury or property damage permitted. [Code 1964, § 9-79]

Nothing in this division shall be deemed to bar or prevent the timely filing by a present or former municipal officer or employee of any claim, account, demand or suit against the City or any agency of the City on behalf of the officer or employee or any family member arising from any personal injury or property damage or for any lawful benefit authorized or permitted by law.

Sec. 2-2-79. through Sec. 2-2-81. (Reserved)

DIVISION 3

Annual Statement of Financial Disclosure**Sec. 2-2-82. Definitions. [Ord. No. 133, 7-7-1993]**

The following terms, whenever used or referred to in this division, shall have the following respective meanings set out in this section, unless a different meaning clearly appears from the context:

CITY AGENCY — Includes any authority, district corporation and public benefit corporation for which a City employee or board appoints the members or to which City officers or employees are ex officio members. This includes, for example, the Utica Planning Board, the Zoning Board of Appeals, Utica Golf Commission, Utica Auditorium Commission, Board of Assessment and Review and Civil Service Commission. It also includes agencies that are normally considered to be separate from City government such as: the Utica Parking Authority, the Utica Transit Authority, the Utica Urban Renewal Agency, the Downtown Utica Development Association, the Municipal Housing Authority and the Utica Industrial Development Agency.

DEPENDENT CHILD — Any son, daughter, stepson or stepdaughter who is under the age of 18, unmarried and living in the household of the reporting individual.

INTEREST — A direct or indirect pecuniary or material benefit accruing to the reporting individual as a result of a contract with the City or City agency in which the reporting individual serves. For the purpose of this form, the reporting individual shall be deemed to have an interest in the contract of:

- (1) His spouse, minor children and dependents, except a contract of employment with the City of Utica or a City agency;
- (2) A firm, partnership or association of which such officer or employee is a member or employee;
- (3) A corporation, of which such officer or employee is an officer, director or employee; and
- (4) A corporation, any stock of which is owned or controlled directly or indirectly by such officer or employee.

INVOLVEMENT WITH AND REGULATED BY THE CITY OF UTICA — Includes the situation such as: the business regulated or licensed by the City; does business with the City or a City agency; has applied for or there is outstanding a loan or some form of financial assistance from the City or City agency and the like.

LOCAL ELECTED OFFICIAL — An elected official of the City except judges or justices of the unified court system.

RELATIVE — Such individual's spouse, child, stepchild, stepparent, aunt or uncle, brother or sister or first cousin of the reporting individual or of the reporting individual's spouse.

REPORTING INDIVIDUAL — The heads (other than local elected officials) of any agency, department, division, council, board, commission or bureau of the City of Utica and their deputies and assistants, and the officers and employees of the City, departments, divisions, boards, bureaus, commissions or councils who hold policy-making positions, as determined by the common council and set forth in Appendix A attached to this ordinance;¹ except that the term "local officer or employee" shall not mean a judge, justice, officer or employee of the unified court system.

SPOUSE — The husband or wife of the reporting individual unless living separate and apart from the reporting individual with the intention of terminating the marriage or providing for permanent separation or unless separated pursuant to:

- (1) A judicial order, decree or judgment; or
- (2) A legally binding separation agreement.

Sec. 2-2-83. Board of Ethics. [Ord. No. 133, 7-7-1993]

- (a) A board of ethics is established and shall be known as the "City of Utica Board of Ethics".

1. Editor's Note: Appendix A is on file in the City offices.

- (b) The Board of Ethics shall consist of five members who shall serve a five-year term of office, one such term expiring each year. Three members shall be appointed by the Common Council and two members shall be appointed by the Mayor. In making its initial appointments, the Common Council shall designate one member to serve for a one-year term, one member to serve for a three-year term, and one member to serve for a five-year term. In making his appointments, the Mayor shall designate one member to be appointed for a two-year term and one member to be appointed for a four-year term. Upon the expiration of these initial terms, each successor shall be appointed to fill a five-year term commencing with the expiration of the initial term. In the event a vacancy occurs prior to the expiration of a term, such vacancy shall be filled for the balance of such term in the same manner as members are appointed to full terms. No member of the Board of Ethics may be an officer or employee of the City of Utica.
- (c) No more than three members of the Board may be affiliated with the same political party. No member of the Board of Ethics may hold an officers position in any political party except such person may be a member of a county committee or City committee of a political party. For purposes of this section, "political party" shall mean any political party which appeared on the ballot in the last biennial Common Council election.
- (d) All members shall serve without compensation. A Board of Ethics member may be removed by the appointing authority only after a finding of substantial neglect of duty, misconduct in office, inability to discharge the powers of duties of the office or violation this act after a written notice of charges and an opportunity for reply. Members of the Board of Ethics shall be required to file the annual statement of financial disclosure.
- (e) The members shall elect a Chairman from among themselves and such other officers as may deem necessary from time to time.

Sec. 2-2-84. Powers of the Board of Ethics. [Ord. No. 133, 7-7-1993]

The Board of Ethics shall have the power to:

- (a) Adopt, amend and rescind rules and regulations to govern procedures of the Board of Ethics. The Board of Ethics may utilize or modify such rules and regulations or adopt separate rules and regulations for the purposes of Paragraph (d) of Subdivision 1 of Section 811 of the General Municipal Law.
- (b) Promulgate guidelines to assist the Common Council determining which persons hold policy-making positions for purposes of Sections 811 and 812(3) of the General Municipal Law and this law.
- (c) Make available forms for annual statements of financial disclosure required to be filed pursuant to this division.
- (d) Review completed financial disclosure statements in accordance with the provisions of this law, the rules and regulations of the Board of Ethics and any local law, ordinance, Code of Ethics established by the Common Council of the City of Utica.
- (e) Receive complaints alleging a violation of this division or a violation of the criteria for reporting requirements established by this division, any Code of Ethics of the City, or

local law, ordinance or resolution regarding the filing of completed statements with the Board of Ethics.

- (f) Permit any person required to file a financial disclosure statement to request the Board of Ethics to delete from the copy thereof, made available for public inspection, one or more items of information, which may be deleted by the Board of Ethics, upon a finding that the information which would otherwise be required to be disclosed will have no material bearing on the discharge or the reporting person's official duties. If such request for deletion is denied, the Board of Ethics, in its notification of denial, shall inform the person of his right or her right to appeal the Board's determination pursuant to the rules governing adjudicator proceedings and appeals adopted pursuant to this law and any applicable section of the General Municipal Law. The Board of Ethics shall promulgate rules and regulations governing the issuance of written decisions in connection with appeals.
- (g) Permit any person required to file a financial disclosure statement to request an exemption to any requirement to report one or more items of information which pertain to such person's spouse or emancipated children which item or items may be exempted by the Board of Ethics upon a finding by the majority of the total members of the Board of Ethics without vacancy that the reporting individual spouse, on his or her own behalf or on behalf of a dependent child, objects to providing the information necessary to make such disclosure and that the information which would otherwise be required to be reported will have material bearing on the discharge of the reporting person's official duties.
- (h) Advise and assist any local official in establishing rules and regulations relating to possible conflicts between private interests and official duties of present or former elected officials, local party officials and local officers and employees.
- (i) Permit any person who has not been determined by the Common Council to hold a policy-making position but who is otherwise required to file a financial disclosure statement to request an exemption from such requirement in accordance with the rules and regulations governing such exemptions. Such rules and regulations shall provide for exemptions to be granted either on the application of the individual or on behalf of persons who share the same job title or employment classification which the Board of Ethics deems to be comparable for purposes of this section. Such rules and regulations may permit the granting of an exemption where, in the discretion of the Board of Ethics, the public interest does not require disclosure and the applicant's duties do not involve the negotiation, authorization or approval of:
 - (1) Contracts, leases, franchises, revocable consents, concessions, variances, special permits or licenses as defined in Section 73 of the Public Officers Law;
 - (2) The purchase, sale, rental or lease of real property, goods or services or a contract therefor;
 - (3) The obtaining of grants of money or loans; or
 - (4) The adoption or repeal of any rules or regulation having the force and effect of law.

- (j) Prepare an annual report to the Mayor and the Common Council summarizing the activities of the Board of Ethics and recommending changes in the laws governing the conduct of local elected officials and officers and employees of the City covered by this act.
- (k) Act as a repository for completed financial disclosure forms filed pursuant to this division.
- (l) Upon certification of a question by the Common Council to the Ethics Board, the Board may determine a question common to a class or defined category of persons or items of information required to be disclosed, where determination of the question will prevent undue repetition of requests for exemption or deletion or prevent undue complication in complying with the requirements of this division.
- (m) The Corporation Counsel shall act as legal counsel to advise the Board on any matter arising under this law.
- (n) Upon written request from any person who is subject to the jurisdiction of the Board of Ethics, the Board of Ethics shall render advisory opinions on the requirements of said provisions. An opinion rendered by the Board of Ethics, until and unless amended or revoked, shall be binding on the Board of Ethics in any subsequent proceeding concerning the person who has requested the opinion and who acted in good faith, unless material facts were omitted or misstated by the person in the request for an opinion. Such opinion may also be relied upon by any such person, and may be introduced and shall be a defense, in a criminal or civil action. Such requests shall be confidential, but the Board of Ethics may publish such opinions, provided that the name of the requesting person and any other identifying details shall not be included in the publication.
- (o) The Board of Ethics shall be empowered to request support staff, assistance from the Common Council or Mayor in furtherance of its duties and responsibilities.
- (p) The City may appropriate moneys from the general City funds for maintenance of and for personal services to the Board of Ethics established hereunder, but such Board of Ethics may not commit expenditures of City funds except within the appropriations provided therein.
- (q) In the performance of its duties above, the Board of Ethics may, with the approval of the Common Council, subpoena witnesses, compel their attendance and require the production of any books or records which it may deem relevant or material.
- (r) The ministerial duties of the Board of Ethics, including, but not limited to, the duties set forth in Subsections (c), (d), (k) shall, in the first instance, be performed by the Corporation Counsel. In addition, the Corporation Counsel shall be responsible, as agent to the Board, for the notifications for failure to file report or filing incomplete reports provided for in Section 2-2-85 below, and regarding requests for public disclosure. In addition, the Corporation Counsel shall act as agent of the Board for the purpose of receiving any applications or notices to the Board. Upon receipt of such notice, the Corporation Counsel shall immediately forward same to the Chairman of the Board, and if requested by the Chairman, the other Board members. The Board of Ethics may, at any

reasonable time, review the procedures and records of the Corporation Counsel related to the performance of these functions.

Sec. 2-2-85. Failure to file report or filing incomplete reports. [Ord. No. 133, 7-7-1993]

If a person required to timely file a financial disclosure statement with the Board of Ethics has failed to file a disclosure statement or has filed a deficient statement, the Corporation Counsel shall notify the reporting person in writing, state the failure to file or detail the deficiency, provide the person with a fifteen-day period to cure the deficiency, and advise the person of the penalties for failure to comply with the reporting requirements. Such notice shall be confidential. If the person fails to make such filing or fails to cure the deficiency within the specified time period, the Corporation Counsel shall send a notice of delinquency:

- (1) To the reporting person;
- (2) To the appointing authority for such person; and
- (3) To the Board of Ethics.

Sec. 2-2-86. Annual disclosure required. [Ord. No. 133, 7-7-1993]

- (a) Attached hereto as Appendix A,² which is fully incorporated into this division by reference, is a listing of all positions for which financial disclosure is required of the persons holding one or more positions contained therein. Said Appendix A may be amended by adoption of a resolution of the Common Council as needed, subject to the provisions of this division and New York State's statutes. Any such amendments shall be effective immediately, and a certified copy thereof should be filed with the Board of Ethics within five business days of its adoption. The elected officials, or officers, and employees whose titles are listed in Appendix A, as same may be amended, shall file with the Corporation Counsel, annually, on or before May 15th of each year, during the term of their office, an annual statement of financial disclosure on the form as set forth below. The time for filing such statement may be extended, pursuant to the rules of the Board of Ethics, for justifiable cause and undue hardship upon application to the Board of Ethics pursuant to the rules and regulations set forth in this division and, if applicable, to Sections 811, 812 and 813 of the General Municipal Law of the State of New York. Each City agency which is not a part of City government shall file with the Corporation Counsel on or before January 31 of each year, a list of its officers and employees who are required to file the annual statement of financial disclosure.
- (b) Financial disclosure shall be accomplished by the completion of a copy of the annual statement of financial disclosure attached to this law as Appendix B,³ which is fully incorporated into this law by reference. This form shall be completed and returned to the Corporation Counsel on or before May 15th of each year for which the employment is in effect.

2. Editor's Note: Appendix A is on file in the City offices.

3. Editor's Note: Appendix B is on file in the City offices.

- (c) A person who is subject to the financial disclosure filing requirements for more than one municipality or governmental agency may satisfy the requirements of this division by filing only one annual statement of financial disclosure with one municipality or agency and filing a notice with the appropriate officials of the other(s) that such filing has been made. Such notice shall include the date and place of the filing and a copy of the financial disclosure forms so filed.
- (d) Any person who is subject to the reporting requirements of this division and who shall timely file with the Internal Revenue Service an application for automatic extension of time in which to file his/her individual income tax return for the immediately preceding calendar year or fiscal year, which would extend filing with the IRS beyond May 15th of the reporting year should be required to submit a notice of said application on or before April 15th of the reporting year to the Ethics Board. Such persons shall file a disclosure form, complete except for those portions stated to be within the application to IRS for automatic extension, on or before May 15th of the reporting year. A supplementary statement, containing all items as were incomplete on the annual statement of financial disclosure, shall be filed within 15 days of the expiration of the automatic IRS extension.
- (e) Any person who is required to file an annual statement of financial disclosure may request, prior to May 1st of a year for which the employment is in effect, an extension of time to file for an additional period. Such request should be made in writing to the Ethics Board with approval based upon substantiation of justifiable cause or undue hardship. The Ethics Board may grant or deny the request, by majority vote of the entire membership. An extension can be for no longer than the specific period of additional time requested.
- (f) Any person required to file an annual statement of financial disclosure who becomes so required, experiences a change in reporting levels, becomes a candidate for City elected office, or is appointed to an office or employment within the City after April 15th, shall file the appropriate annual statement within 30 days of the date upon which the changes become effective, the candidacy becomes official or the office of employment commences. The Ethics Board may grant, upon request, an extension of no more than 30 additional days to a person filing pursuant to this paragraph when it finds additional time is needed. Further extensions may only be granted for cause upon a request for an extension received at least 10 days prior to the filing deadline as previously extended.
- (g) Any person required by this law to file an annual statement of financial disclosure may request an exemption from any requirement to report one or more items of information which pertain to a person's spouse or children. Such requests shall be made to the Ethics Board with appropriate supporting documentation for consideration according to the Ethics Board's rules concerning same. No exemption may be granted except upon a finding by at least a majority of the total number of members of the Ethics Board without vacancies that: i) the reporting individual's spouse, on his or her own behalf or on behalf of an unemancipated child, objects to providing the information necessary to make such disclosure, and ii) that the information which would otherwise be required to be reported will have no material bearing on the discharge of the reporting person's official duties. If such request for exemption is denied in whole or in part, the Ethics Board, in its written decision, shall inform the person of his or her right to appeal the determination pursuant to Article 78 of the Civil Practice Law and Rules. The Ethics Board shall adopt rules and

regulations governing the procedure for submission of such requests and issuance of its decisions.

Sec. 2-2-87. Violations or conflicts of interest. [Ord. No. 133, 7-7-1993]

- (a) If a reporting person has filed a statement which reveals a possible violation of the duly adopted Code of Ethics of the City, local law, ordinance or resolution, or the Board of Ethics receives a sworn complaint alleging such a violation, or if the Board of Ethics determines on its own initiative to investigate a possible violation, the Board of Ethics shall notify the reporting person in writing, describe the possible or alleged violation of such Code of Ethics, local law, ordinance or resolution or this division, and provide the person with a fifteen-day period in which to submit a written response setting forth information relating to the activities cited as a possible or alleged violation of law. If the Board of Ethics thereafter makes a determination that further inquiry is justified, it shall give the reporting person an opportunity to be heard. The Board shall also inform the reporting individual of its rules regarding the conduct of adjudicatory proceedings and appeals and the due process procedural mechanisms available to such individual. If the Board determines at any stage of the proceeding, that there is no violation or potential conflict of interest or that any potential conflict of interest or violation has been rectified, it shall so advise the reporting person and the complainant, if any. All of the foregoing proceedings shall be confidential.
- (b) If the Board determines that there is reasonable cause to believe that a violation has occurred, it shall send a notice of reasonable cause: i) to the reporting person, ii) to the complainant if any, and iii) to the Mayor and Common Council.
- (c) A copy of any notice of delinquency or notice of reasonable cause sent pursuant to this division shall be included in the reporting persons's file and be available for public inspection.

Sec. 2-2-88. Penalties. [Ord. No. 133, 7-7-1993]

A reporting individual who knowingly and willfully fails to file an annual statement of financial disclosure or who knowingly and willfully with intent to deceive makes a false statement or gives information which such individual knows to be false on such statement of financial disclosure filed pursuant to this division shall be assessed a civil penalty in an amount not to exceed \$10,000. Assessment of a civil penalty hereunder shall be made by the Board of Ethics with respect to the persons subject to its jurisdiction. For a violation of this subdivision, other than for conduct which constitutes a violation of Subdivision 12 of Section 73 of the Public Officers Law, the Board of Ethics may, in lieu of a civil penalty, refer a violation to the appropriate prosecutor and upon such conviction, such violation shall be punishable as a Class A misdemeanor. A civil penalty for false filing may not be imposed hereunder in the event a category of value or amount reported hereunder is incorrect unless such reported information is falsely understood. Notwithstanding any other provision of law to the contrary, no other penalty, civil or criminal may be imposed for a failure to file, or for a false filing, of such statement, except that the appointing authority of the violator may impose disciplinary action as otherwise provided by law. The Board of Ethics shall be deemed to be an agency within the meaning of Article 3 of the State Administrative Procedure Act and shall

adopt rules governing the conduct of adjudicatory proceedings and appeals relating to the assessment of civil penalties herein authorized. Such rules, which shall not be subject to the approval requirements of the State Administrative Procedure Act, shall provide for a due process procedural mechanism substantially similar to those set forth in such Article 3, but such mechanisms need to be identical in terms or scope. Assessment of a civil penalty shall be final unless modified, suspended or vacated within 30 days of imposition, with respect to the assessment of such penalty, and upon becoming final shall be subject to review at the instance of the affected reporting individuals in a proceeding commenced against the Board of Ethics pursuant to Article 78 of the Civil Practice Law and Rules.

Sec. 2-2-89. Public information. [Ord. No. 133, 7-7-1993]

- (a) Notwithstanding the provisions of Article 6 of the Public Officers Law, the only records of the Board of Ethics which shall be available for public inspection are:
- (1) The information set forth in an annual statement of financial disclosure filed pursuant to this ordinance except the categories of value or amount and any other item of information deleted pursuant to Section 2-2-84(g) of this division, which shall remain confidential.
 - (2) Notices of delinquency sent under Section 2-2-85 of this division.
 - (3) Notices of reasonable cause sent under Section 2-2-87(b) of this division.
- (b) Notwithstanding the provisions of Article 7 of the Public Officers Law, no meeting or proceeding of the Board of Ethics shall be open to the public, except if expressly provided otherwise by the Board of Ethics.

Sec. 2-2-90. Copies to be distributed. [Ord. No. 133, 7-7-1993]

Upon the adoption of this division, the Mayor shall cause a copy thereof to be distributed to every person required to file an annual statement of financial disclosure. Failure to distribute such copy or failure of any City employee to receive such copy shall have no effect on the duty of compliance with this Code, nor the enforcement of the provisions hereof. The Mayor shall further cause a copy of this ordinance to be kept posted conspicuously in each public building under the jurisdiction of the City. Failure to so post this ordinance shall have no effect on the duty of compliance herewith, nor the enforcement provisions hereof.

