

**ETHICS, CODE OF**

**Chapter 22**

**Town**

**of**

**MOUNT PLEASANT**

**GENERAL  
CODE**

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## Chapter 22

### ETHICS, CODE OF

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**[HISTORY: Adopted by the Town Board of the Town of Mount Pleasant 10-11-1977. Amendments noted where applicable.]**

#### GENERAL REFERENCES

**Defense and indemnification — See Ch. 19.**

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#### § 22-1. Declaration of policy.

Pursuant to the provisions of § 806 of the General Municipal Law, the Town Board of the Town of Mount Pleasant recognizes that there are rules of ethical conduct for municipal officers, employees and agency members which must be observed to continue a high degree of moral conduct, thereby maintaining public confidence in our unit of local government. It is the purpose of this chapter to promulgate these rules of ethical conduct for the officers, employees and agency members of the Town of Mount Pleasant. The rules of ethical conduct of this chapter as adopted, shall be in addition to any provisions of Article 18 of the General Municipal Law or any other general or special law relating to ethical conduct now or hereafter in effect. In recognition of these goals, there is hereby established a Code of Ethics for municipal officers, employees and agency members of the Town of Mount Pleasant and a Board of Ethics to render advisory opinions with respect thereto, to investigate alleged violations thereof and to facilitate compliance therewith.

#### § 22-2. Definitions.

Unless the context clearly demonstrates otherwise, the following terms, as used in this chapter shall have the following meanings:

**AGENCY MEMBER** — A member of any town authority, agency, board, commission, committee, bureau or district within the town created by law or appointed by the Town Board or the Supervisor.

**COMPENSATION** — Any money, thing of value or financial benefit conferred, granted, given, awarded or contracted for services rendered or to be rendered.

**EMPLOYEE** — Any person directly employed on a full- or part-time basis by the town, whether compensated or not. No person shall be deemed to be either an officer or

- D. Representation before town agencies. No municipal officer or employee shall represent any third party in any matter before the town, either directly or indirectly. No agency member shall receive compensation in connection with, have an interest in or enter into, directly or indirectly, any contract or agreement, express or implied, to render or furnish any services in connection with any matter before the authority, agency, board, commission or district on which he serves or which might reasonably be expected to come before the same.
- E. Disclosure of interest in legislation, contracts and official action. To the extent that he knows thereof, any officer and/or employee of the town, and any agency member with respect to matters in which he participates or in which his agency is involved in the decision-making process, shall specifically and fully disclose to the Town Board and the authority, agency, board, commission or district involved, either in writing or at a public meeting, the nature and extent of any direct or indirect interest in legislation, contracts or official action pending before the town.
- F. Private employment. No municipal officer, employee or agency member shall engage in, solicit, negotiate for, promise to accept, accept or perform private employment, furnish goods or render services for private interests when such employment or service creates, or may reasonably create, a conflict with or impairs, or may reasonably impair, the proper and impartial discharge of his official duties.
- G. Future employment. No municipal officer, employee or agency member shall, after the termination of service or employment with the town, appear before the town on behalf of any person, firm, corporation or other interest for compensation in relation to any case, proceeding or application in which he participated in any way during his tenure of office or employment.
- H. Interests in conflict with official duties. No municipal officer, employee or agency member shall, directly or indirectly, have any interest which directly or indirectly creates a conflict with his official duties or impairs the proper discharge of his official duties.
- I. Use of public property or personnel. No municipal officer, employee or agency member shall use or permit the use of town property (including land, vehicles, equipment, materials and other property) or personnel for personal convenience or profit, except when such use is available to town citizens generally or is provided as a matter of town policy.
- J. Personal rights preserved. Nothing herein shall be deemed to bar or prevent the timely filing by a present or former municipal officer, employee or agency member of any claim, account, demand or suit against the Town of Mount Pleasant, or agency thereof, on behalf of himself or any member of his family, arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

**§ 22-4. Distribution of copies of code and disclosure statement.**

- A. The Town Clerk shall cause a copy of the Code of Ethics to be distributed to every municipal officer, employee or agency member of the town within 30 days after the effective date of this chapter. Each municipal officer, employee and agency member elected or appointed thereafter or nominated by the Supervisor for office shall be furnished with a copy thereof before entering upon the duties of his office or employment or within

- (a) Subject to the approval of the Town Board, to make, amend and rescind rules and regulations governing its internal organization and the conduct of its affairs.
  - (b) To request and receive from the town or any town officer, employee or agency member such assistance and data as will enable the Board of Ethics to properly carry out its functions and powers.
  - (c) To render in writing advisory opinions with respect to the interpretation and application of this code.
- (2) Such opinions may be requested of the Board of Ethics, in writing, by the Town Attorney on any matter (with written notice to the Town Board) or by the town municipal officer, employee or agency member with respect to his own conduct. Any other request for any advisory opinion can only be forwarded to the Board of Ethics by the Town Board, or any member thereof, with written notice to the Town Board. All such requests shall be considered by the Board of Ethics, and, where it shall deem appropriate, it shall render an opinion with reasonable promptness and shall furnish a copy of such opinion to the Town Board, the Town Attorney and the municipal officer, employee or agency member whose conduct is in question. Advisory opinions of the Board of Ethics shall be solely for the guidance of the municipal officer, employee or agency member whose conduct is in question, the Town Board and the Town Attorney, but shall not be binding on any of them. The Board of Ethics shall keep a record of its proceedings and opinions.
- E. All operating expenses of the Board of Ethics shall be provided to the Town Board.
- F. No amendment or revision of the Code of Ethics which shall be initiated by the Town Board and not by the Board of Ethics pursuant to Subsection D(1)(a) hereof shall be adopted by the Town Board without affording the Board of Ethics at least 30 days to consider the proposed amendment or revision and advise the Town Board with respect thereto.

#### **§ 22-6. Penalties for offenses.**

A violation of any of the provisions of this chapter may constitute cause for forfeiture of pay, suspension, demotion or removal from office or employment pursuant to the procedures set forth in Article 7 of the Civil Service Law and Article 3 of the Public Officers Law.

#### **§ 22-7. Statement of legislative intent.**

At the Town Board meeting of October 11, 1977, before adopting the Code of Ethics, the Town Board declared its legislative intent by a statement which is part of the Town Board minutes and is as follows:

- A. With respect to the appearance before boards, agencies or commissions which is prohibited by § 22-3D, some persons made suggestions that this provision be amended. It is the Town Board's intent and meaning that no one who receives a salary or compensation, whether full or part time, appear before any town authority, agency, etc., regardless of whether or not he is a member of the other agency. This would prohibit, for example, a Zoning or

