

1970 ORDINANCE 1

CODE OF ETHICS

*Town Law 1*

NOTICE OF PUBLIC HEARING ON A  
PROPOSED ORDINANCE FOR THE TOWN OF AMITY

NOTICE IS HEREBY GIVEN that pursuant to Section 130 of the Town Law of the State of New York and pursuant to the resolution of the Town Board of the Town of Amity, Allegany County, New York, adopted *17* day of *August*, 1970. The said Town Board shall hold a public hearing at the Town Hall at 1 Schuyler Street in the Village of Belmont, New York on the *1* day of *September*, 1970 at 8:00 o'clock p.m. eastern daylight time, to hear all interested parties and citizens for or against the adoption of a Proposed Ordinance adopting a Code of Ethics and establishing a Board of Ethics for the Town of Amity, Allegany County, New York.

By Order of the Town Board of the  
Town of Amity

BY: *Churchill Green*

Churchill Green  
Town Clerk

*g*  
*h*

RESOLUTION

At a regular meeting of the Town Board of the Town of Amity, Allegany County, New York, held at the Town Hall, 1 Schuyler Street, in the Village of Belmont, On the 17 day of August, 1970 at 8:00 o'clock P.M. there were present:

PRESENT:

*Supervisor Richard Meier  
Cathleen Winkler, Doctor  
Justice Leonard Prosser & Charles Prosser  
Town Clerk Churchill Green*

Mr. *Leonard Prosser* offered the following

resolution:

WHEREAS, Section 806 of the General Municipal Law of the State of New York requires the adoption of a Code of Ethics by the Town Board of the Town of Amity,

NOW, THEREFORE BE IT RESOLVED,

That pursuant to Section 130 of the Town Law of the State of New York a public hearing on a proposed Town Ordinance to consider the adoption of a Code of Ethics for the Town of Amity and the establishment of a Board of Ethics be held on the 21 day of September, 1970 at 8:00 o'clock p.m. eastern daylight time at the Town Hall, 1 Schuyler Street, in the Village of Belmont, New York and that notice of the time and place of such hearing describing in general terms the proposed Ordinance be published once on or before the 21 day of September, 1970 in the Wellsville Daily Reporter, a newspaper circulating in said Town of Amity, Seconded by Mr. *Winkler Doctor* = AND duly put to a vote which resulted as follows:

TOWN OF AMITY

Ordinance One.....1970

The Town Board of the Town of Amity, Allegany County, New York, does hereby ordain and enact as follows:

ORDINANCE

ARTICLE I

Intent of Town Board

Section 1. Statement of legislative intent. The town board of the Town of Amity 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 ordinance to implement this objective through the establishment of standards of conduct, to provide for punishment of 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.

Section 2. 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/extent that the same are

more severe in their application than this ordinance

The term "town employee" shall mean any officer or employee of the town of Amity, whether paid or unpaid, whether serving in a full-time, part-time or advisory capacity.

Section 2. Rule with respect to 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.

Section 3. 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

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.

Section 4. Violations. 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 ordinance may be fined, suspended or removed from office or employment in the manner provided by law.

#### ARTICLE III

##### Board of Ethics

Section 1. There is hereby established a board of ethics consisting of (at least three) members to be appointed by the Town board, all of whom reside in the town of Amity and who shall serve without compensation and at the pleasure of the town board of the Town of Amity. 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 Amity.

Section 2. 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 ordinance. 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 council employee

Section 1. Upon adoption of this ordinance, 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 ordinance to be kept posted conspicuously in each public building under the jurisdiction of the town. Failure to so post this ordinance shall have no effect on the duty of compliance herewith, nor the enforcement provisions hereof.

Section 2. Within thirty days of the adoption of this ordinance, the town clerk shall file a copy thereof in the office of the state comptroller.

Section 3. 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/expenditure of town moneys except within the appropriations provided herein.

#### ARTICLE V

##### Severability Clause

Section 1. If any clause, sentence, paragraph, section or part of this ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not effect, 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.

ARTICLE VI  
Effective Date

Section 1. This ordinance shall take effect immediately.

Dated: Belmont, New York on the  
day of , 1970.

By order of the Town Board of the  
Town of Amity.

by \_\_\_\_\_  
Town Clerk



PUBLIC NOTICE OF ORDINANCE

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Amity, Allegany County, on the            day of            , 1970, duly adopted a Town Ordinance, a true copy of which is as follows:

ORDINANCE

ARTICLE I

Intent of Town Board

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Section 2. 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 <sup>the</sup> to extent that the same are more severe in their application than this ordinance.

The term "town employee" shall mean any officer or employee of the town of Amity whether paid or unpaid, whether serving in a full-time, part-time or advisory capacity.

Section 2. Rule with respect to 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.

Section 3. 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

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.

Section 4. Violations. 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 ordinance may be fined, suspended or removed from office or employment in the manner provided by law.

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Section 2. 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 ordinance. 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 council employed

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## ARTICLE VI

## Effective Date

Section 1. This ordinance shall take effect immediately.

Dated: Belmont, New York on the

21. day of September, 1970.

By order of the Town Board of the  
Town of Amity.

by Churchill Green  
Town Clerk

I, the undersigned, Town Clerk of the Town of Amity, Allegany  
County, New York, do hereby certify that the foregoing is a true copy  
of an Ordinance duly adopted by the Town Board of the Town of Amity,  
Allegany County, New York, on the 17 day of August, 1970.

By Order of the Town Board

by Churchill Green  
Town Clerk