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Chapter 36. ETHICS, CODE OF

[HISTORY: Adopted by the Town Board of the Town of Marilla 3-11-1999 by L.L. No. 2-1999 (Ch. 20 of the 1999 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Defense and indemnification — See Ch. [22](#).
Personnel — See Ch. [99](#).

§ 36-1. Purpose and intent.

Pursuant to the provisions of § 806 of the General Municipal Law, the Town Board of the Town of Marilla 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 our unit of local government. It is the purpose of this chapter to promulgate these rules of ethical conduct for the officers and employees of the Town of Marilla. These rules shall serve as a guide for official conduct of the officers and employees of the Town of Marilla. The rules of ethical conduct of this chapter as adopted shall not conflict with, but shall be in addition to, any prohibition of Article 18 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.

§ 36-2. Definitions.

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

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. For the purposes of this chapter, a municipal officer or employee shall be deemed to have an interest in the contract of:

- A. His 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.
- 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.

MUNICIPAL OFFICER OR EMPLOYEE

An officer or employee of the Town of Marilla, whether paid or unpaid, including members of any administrative board, commission or other agency thereof. No person shall be deemed to be a municipal officer or employee solely by reason of being a volunteer fireman or civil defense volunteer, except when acting as a Fire Chief or Assistant Fire Chief.

§ 36-3. Standards of conduct.

Every officer or employee of the Town of Marilla shall be subject to and abide by the following standards of conduct:

- A. Gifts. No officer or employee shall directly or indirectly solicit 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 him or could reasonably be expected to influence him in the performance of his official duties or was intended as a reward for any official action on his part.
- B. Confidential information. No officer or employee shall disclose confidential information acquired by him in the course of his official duties or use such information to advance the financial or private interest of himself or others.
- C. Representation before one's own agency. No 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 he is an officer, member or employee or of any municipal agency over which he has jurisdiction or to which he has the power to appoint any officer, member or employee.
- D. Representation before any agency for a contingent fee. No 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 whereby his compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this subsection shall not prohibit the fixing at any time of fees based upon the reasonable value of services rendered.
- E. Disclosure of interest in legislation. Any officer or employee who participates in or gives official opinion to the Town Board on any legislation shall publicly disclose on the official record the nature and extent of any direct or indirect financial or private interest he may have in such legislation.
- F. Investments in conflict with official duties. No officer or employee shall invest or hold any investment directly or indirectly in any financial, business, commercial or other private transaction which creates a conflict with his official duties.
- G. Private employment. No officer or employee shall engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his official duties.
- H. Future employment. No officer or employee shall, after the termination of service or employment with such municipality, appear before any board or agency of the Town of Marilla in relation to any case, proceeding or application in which he personally participated during the period of his service or employment or which was under his active consideration.

§ 36-4. Filing of claims.

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former officer or employee of any claim, account, demand or suit against the Town of Marilla or any 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.

§ 36-5. Distribution.

The Supervisor of the Town of Marilla shall cause a copy of this chapter to be distributed to every officer and employee of the Town of Marilla within 30 days after the effective date of this chapter. Each officer and employee elected, appointed or hired thereafter shall be furnished a copy before entering upon the duties of his office or employment. Failure to distribute any such copy or failure of any officer or employee to receive such copy shall have no effect on the duty of compliance with such chapter nor the enforcement of provisions thereof.

§ 36-6. Penalties; suspension.

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 chapter may be fined, suspended or removed from office employment as the case may be, in the manner provided by law.

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