

Chapter 29

ETHICS, CODE OF

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- §29-11. Board of Ethics.
- §29-12. Improper conduct; hearings.

HISTORY: Adopted by the Mayor and Borough Council of the Borough of Seaside Park 6-9-1977 as Ordinance No. 755.

Be it ordained by the Mayor and Borough Council of the Borough of Seaside Park, in the County of Ocean and State of New Jersey, as follows:

§29-1. Definitions and word usage.

- A. For the purposes of this chapter, the terms used herein are defined as follows:
- OFFICER or APPOINTEE — One (1) or more of the following:
- (1) The Mayor and members of the Borough Council.
 - (2) The Clerk, Treasurer, Borough Attorney, Borough Engineer, Tax Collector and Board of Assessors and the assistants or associates to any of them.
 - (3) All other elected or appointed officers and appointees of any agency, board, committee or commission created by the Mayor and Borough Council.
- B. As used herein, all masculine pronouns shall include the feminine and all singular pronouns and nouns shall include the plural.

§29-2. Compliance with provisions deemed condition of employment.

- A. Compliance with the provisions of this chapter shall be deemed a condition of employment for all municipal officers.
- B. In the event that any municipal officer shall willfully violate the provisions of this chapter, such action shall be considered misconduct and may result in the suspension, demotion or dismissal of such officer at the direction of the Borough Council.

§29-3. Business transactions in conflict with official duty.

No Mayor, Councilman, officer or appointee, whether paid or unpaid and whether full- or part-time, of the Borough of Seaside Park, or any member of any agency, board, committee or commission thereof, shall directly or indirectly engage in any business transaction, public or private, or professional activity or have a financial or personal interest which might conflict with the official duties.

§29-4. Interests impairing impartial judgment in performance of duty.

No Mayor, Councilman, officer or appointee, whether paid or unpaid and whether full- or part-time, of the

Borough of Seaside Park, or any member of any agency, board, committee or commission thereof, shall accept other employment or professional fees, or the promise thereof, which might conflict with the performance of his official duties or which might tend to impair his independent or impartial judgment or action in the exercise or performance of his official duties; nor shall he become involved, directly or indirectly, in any business or business transaction or hold any investment in any securities which would impair or tend to impair his judgment or action in the exercise or performance of his official duties. Nothing contained herein shall be construed to prohibit any bona fide investments in securities traded on a securities exchange registered as a national securities exchange under the Federal Securities Exchange Act of 1934, in shares of any investment company registered under the Federal Investment Company Act of 1940 or in securities of a public utility holding company registered under the Federal Public Utility Holding Company Act of 1935.

§29-5. Representing private interests in conflict with borough.

No Mayor, Councilman, officer or appointee, whether paid or unpaid and whether full- or part-time, of the Borough of Seaside Park, or any member of any agency, board, committee or commission thereof, shall represent any private interest before any committee, board or agency of the Borough of Seaside Park where such interest being represented is or would be in conflict with that of the borough; nor shall he engage in or represent any interest in any litigation in which the borough is a party. Nothing herein contained, however, shall prevent any Mayor, Councilman, officer or appointee, whether paid or unpaid and whether full- or part-time, of the Borough of Seaside Park, or any member of any agency, board, committee or commission thereof, from representing his own interest before any committee, board or agency of the borough or any litigation in which the borough is a party.

§29-6. Interests in business transactions with borough; refraining from voting.

A. Councilman, officer, the Mayor or an appointee, whether paid or unpaid and whether full- or part-time, of the Borough of Seaside Park, or any member of any agency, board, committee or commission thereof, or any member of his immediate family, who has a direct or indirect financial interest in any business entity, transaction or contract with the Borough of Seaside Park or in the sale of real estate, materials, supplies or services to the borough, or the purchase of the same from it, the disposition of which may be influenced by the official position, shall refrain from voting or deliberating upon any proposed legislation connected with such acquisition or sale or from

otherwise participating in any such transaction and shall disclose publicly on the official records of the borough the nature of such interest.

§29-7. Receiving gifts to influence official action.

No Mayor, Committeeman, officer or appointee, whether paid or unpaid and whether full- or part-time, of the Borough of Seaside Park, or any member of any agency, board, committee or commission thereof, shall accept any gift or thing of value, whether in the form of money, service, loan, thing or promise, from any person, firm, corporation or association which to his knowledge is interested, directly or indirectly, to any degree in business dealings with the Borough of Seaside Park and over which business dealings he has the authority to take or influence official action; provided, however, that such gift or thing of value was intended or could be construed as intended to influence such official action.

§29-8. Use of position to secure preferential rights.

No Mayor, Committeeman, officer or appointee, whether paid or unpaid and whether full- or part-time, of the Borough of Seaside Park, or any member of any agency, board, committee or commission thereof, shall directly or indirectly use or attempt to use his official position to secure improperly any preferential right, benefit, advantage or privilege for himself or others.

§29-9. Disclosure of confidential information.

No Mayor, Councilman, officer or appointee, whether paid or unpaid and whether full- or part-time, of the Borough of Seaside Park, or any member of any agency, board, committee or commission thereof, shall disclose or use confidential information concerning the borough to promote the financial or other private interest of himself or others.

§29-10. Use of vote to adopt or defeat legislation regarding financial or private interests.

No Mayor, Councilman, officer or appointee, whether paid or unpaid and whether full- or part-time, of the Borough of Seaside Park, or any member of any agency, board, committee or commission thereof, shall vote for the adoption or defeat of any legislation or action or for the payment or nonpayment of any indebtedness asserted against the borough in which he has a direct or indirect financial or private interest. This section shall not apply to voting upon guides, regulations or ordinances setting salaries for those employed by the borough.

§29-11. Board of Ethics.

There is hereby created and established a Board of Ethics of the Borough of Seaside Park to consist of seven (7) members who shall hold no other office in or employment by the Borough of Seaside Park. The

members of said Board of Ethics shall be appointed by the Mayor and each member of the Borough Council.

- A. Members shall serve for a term to concur with the term of the Mayor or appointing Councilman. The members shall elect a Chairman annually. The Board shall have the authority to adopt rules for the conduct of its meetings. The Board may retain an attorney to act as legal counsel when necessary.
- B. The duties and responsibilities of the Board of Ethics shall be:
- (1) To receive and initiate written complaints of violations of this chapter.
 - (2) To investigate and hear complaints and to transmit its findings of fact and conclusions to the Borough Council.
 - (3) To render advisory opinions or interpretations, with respect to application of this chapter, to interested individuals or municipal agencies, either on request or its own initiative. All opinions or interpretations shall be rendered within fifteen (15) days after the request is submitted. The Board shall file its advisory opinions with the Borough Council. However, the Board may make such deletions in the opinion as it may deem necessary to prevent disclosure of the identity of the officer involved.
 - (4) To propose revisions to this chapter to assure its continuing effectiveness.
 - (5) To examine information submitted for review under any financial disclosure ordinances enacted by the Mayor and Borough Council.

hearing and shall transmit the same promptly to the Borough Council.

- (6) No dismissal, suspension or other disciplinary action shall be taken against any officer as the result solely of the hearing before the Board of Ethics.
- B. In the event that the results of any hearing indicate, in the opinion of the Borough Council, a violation of any of the provisions of this chapter, the Borough Council shall set the matter down promptly for a formal hearing. All rules set forth herein pertaining to the conduct of hearings before the Board of Ethics shall apply to any hearing before the Borough Council, but at all times shall comply with the provisions of the State Open Meetings Act. In the event that the Mayor or any member of the Borough Council is the subject of any complaint as set forth herein, he shall disqualify himself from any deliberations and decisions in regard to his case.

§29-12. Improper conduct; hearings.

- A. Upon the sworn, written complaint of any person alleging facts which, if true, would constitute improper conduct under the provisions of this chapter, the Board shall conduct a hearing. Unless otherwise authorized by the person accused, this hearing shall not be open to the public, nor shall its conduct be publicized in any way. The following rules regarding the hearing shall be observed:
- (1) The Board shall set a date, time and place for such hearing.
 - (2) A copy of the charges shall be served upon the accused personally or by registered mail, return receipt requested, at least ten (10) days prior to the hearing.
 - (3) The accused shall have the right to be represented by counsel at any hearing.
 - (4) A stenographic or tape-recorded record shall be made of the hearing.
 - (5) The Board shall make its findings of facts and conclusions within fifteen (15) days of the