

TITLE 1

GENERAL ADMINISTRATION

CHAPTER

1. GENERAL PROVISIONS.
2. CITY COUNCIL.
3. MAYOR.
4. CODE OF ETHICS.

CHAPTER 1

GENERAL PROVISIONS

SECTION

- 1-101. Definitions and rules of construction.
- 1-102. Altering code.
- 1-103. Seal of the city.

1-101. Definitions and rules of construction. In the construction of this code and of all ordinances, the following definitions and rules of construction shall be observed, unless inconsistent with the manifest intent of the city council, or the definitions contained in this code that apply specifically to the title, chapter or section in question, or unless the context clearly requires otherwise:¹

(1) "Bond." When a bond is required, an undertaking in writing shall be sufficient.

(2) "Charter." Whenever the word "charter" is used it shall mean and refer to the Charter of Incorporation for the City of Jackson, as amended.

(3) "City." The words "the city" or "this city" shall mean the City of Jackson, in the County of Madison and State of Tennessee, except as otherwise provided.

(4) "Computation of time." Whenever a notice is required to be given or an act to be done, the time within which said notice shall be given or said act done shall be computed by excluding the first and including the last day; and if the last day be Sunday or a legal holiday, that shall be excluded.

(5) "City council." Whenever the words "the city council," or "council" are used, they shall mean the city council of the City of Jackson.

¹Municipal code references

A substantial number of titles, chapters and sections in this code contain definitions that apply specifically to those titles, chapters and sections.

(6) "County." Whenever the words "the county" or "this county" are used they shall refer to Madison County, Tennessee.

(7) "Delegation of authority." Whenever a provision appears requiring the head of a department of the city to do some act or make certain inspections, it is to be construed to authorize the head of the department to designate, delegate and authorize subordinates to perform the required act or make the required inspection, unless the terms of the provision or section designate otherwise.

(8) "Gender." A word importing the masculine gender shall extend and be applied to females and to firms, partnerships, and corporations as well as to males, unless the context clearly requires a literal construction.

(9) "Head of department." When reference is made to "head of a department," it shall mean the appointed city officer who is chief of that department.

(10) "Interpretation." In the interpretation and application of any provision of this code, it shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of the code imposes greater restrictions upon the subject matter than the general provisions imposed by the code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

(11) "Joint authority." All words giving a joint authority to three (3) or more persons or officers shall be construed as giving such authority to a majority of such persons or officers sitting as a body, unless otherwise specifically provided.

(12) "Mayor." Whenever the word "the mayor" or "mayor" is used, it shall mean the mayor of the City of Jackson.

(13) "Month." The word "month" shall mean a calendar month.

(14) "Name or title of officer, board, commission or agency." The name or title of any officer, board, commission or agency, when appearing alone herein, shall be construed as if the words "of Jackson, Tennessee," followed it.

(15) "Number." A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing, unless the context requires a literal construction.

(16) "Oath." The word "oath" shall be construed to include an affirmation in all cases in which by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

(17) "Or," "and." "Or" may be read "and," and "and" may be read "or" if the sense requires it.

(18) "Owner." The word "owner," applied to buildings or land, shall include any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety of the whole or a part of such building or land.

(19) "Person." The word "person" shall extend and be applied to associations, clubs, societies, firms, partnerships and bodies political and corporate as well as to individuals.

(20) "Personal property" includes every species of property except real property, as herein defined.

(21) "Preceding," "following." The words "preceding" and "following" shall mean next before and next after, respectively.

(22) "Property." The word "property" shall include real and personal property.

(23) "Public place." The term "public place" shall mean any public way, park, cemetery, school yard or open space adjacent thereto; any public lake or stream; and any place or business open to the use of the public in general.

(24) "Real property" shall include lands, tenements and hereditament.

(25) "Shall" and "will." "Shall" always denotes a mandatory requirement. "Will" denotes a permissive course of action.

(26) "Sidewalk." The word "sidewalk" shall mean any portion of a street between the curb line, or the lateral lines of a roadway, and the adjacent property line, intended for the use of pedestrians.

(27) "Signature or subscription" includes a mark when the person cannot write.

(28) "State." Whenever the words "the state" or "this state" are used, they shall be construed as meaning and referring to the "State of Tennessee."

(29) "Street." The word "street" shall mean and include any public way, road, highway, street, avenue, boulevard, parkway, alley, lane, viaduct, bridge and the approaches thereto within the city.

(30) "Tenant." The word "tenant" and "occupant," applied to a building or land, shall include any person who occupies the whole or a part of such building or land, whether alone or with others.

(31) "Tense." Words used in the past tense include the future as well as the past and present.

(32) "Writing." The words "writing" and "written" shall include printing and any other mode of representing words and letters.

(33) "Year." The word "year" shall mean a calendar year.

The several definitions set out in this section shall be applicable to any ordinance passed by the city council subsequent to the adoption of this code. (1995 Code, § 1-101)

1-102. Altering code. It shall be unlawful for any person in the city to change or amend by additions or deletions, any part or portion of this code, or to insert or delete pages, or portions thereof, or to alter or tamper with such code in any manner whatsoever, except by ordinance or resolution or other official act of the city council, which will cause the law of the City of Jackson to be misrepresented thereby. Any person violating this section shall be punished according to the general penalty provision of this code of ordinances.

All copies of this code shall remain the property of the City of Jackson and shall not be sold nor given to individual users. This code shall be made available to the various city departments and to individuals on a loan basis according to a system established by the city attorney. (1995 Code, § 1-102)

1-103. Seal of the city. A corporate seal of the City of Jackson is hereby adopted. The design of the seal shall be as follows:



(1995 Code, § 1-103)

CHAPTER 2

CITY COUNCIL¹

SECTION

- 1-201. City council--time of meetings.
- 1-202. Order of business.
- 1-203. General rules of order.
- 1-204. Council districts.

1-201. City council--time of meetings. (1) Regular meetings. All regular meetings of the city council shall be held on the first Tuesday of each month at 9:00 A.M. in the council room at city hall unless otherwise announced. Whenever the regular meeting date falls on a legal holiday, the meeting shall be held at the same time and place on the weekday next following.

(2) Special meetings. The mayor shall have the power to call a special meeting whenever he deems it necessary, provided he gives each of the council members sufficient notice of such meeting so that they can attend without undue inconvenience. (1995 Code, § 1-201)

1-202. Order of business. At all meetings of the city council, the following order of business shall be observed unless by a motion duly passed by a majority of the council:

- (1) Call to order.
- (2) Minutes of previous meeting.

¹Selected charter provisions

Appointment authority

Officials: § 11.

Board of utility commissioners: § 68.

Civil service commissioners: § 79.

Recorder, etc.: § 11.

Vice-mayor: § 8.

Conflicts of interest: § 21.

Elections: §§ 3-9.

General scope of powers: §§ 12, 13, 15, 16.

Meetings and proceedings

Ordinance procedure: §§ 26-30.

Rules of order, discipline: § 19.

Times and places: §§ 14, 17, 18.

Recall: § 24.

Salary: § 14.

Taxation: §§ 54-65.

- (3) General business.
- (4) Adjournment. (1995 Code, § 1-202)

1-203. General rules of order. Upon all points or questions, the parliamentary procedure contained in Robert's Rules of Order, Newly Revised, shall govern the transaction of business by and before the city council at all its meetings, except insofar as such rules may be inconsistent with this code or the city charter. (1995 Code, § 1-203)

1-204. Council districts. In accordance with section 3 of the official charter of the City of Jackson, Tennessee, the boundaries of the council districts in the City of Jackson are altered. The new boundaries are set forth as follows:

DISTRICT 1

Beginning at a point, said point being the point of intersection of the western corporate limits and the centerline of U. S. Highway 70 (Airways); thence easterly along the centerline of Airways Blvd to the point of intersection with the South Fork of the Forked Deer River; thence northwesterly along said river a distance of 6880 +/- feet to a point; thence in a northeasterly direction, running between Carolane Drive and Millmaster Drive to a point in the centerline of Hollywood Drive; thence southeast along the centerline of Hollywood Drive to a creek just north of Arlington Avenue; thence southwest along said creek to the N & S railroad track; thence south along said railroad to Airways Blvd; thence east along Airways Blvd to the Lafayette Street intersection; thence east along Lafayette St. to Highland Ave.; thence south along Highland Ave. to a point in the South Fork of the Forked Deer River; thence southeast along said river to a point of intersection with the eastern corporate limits; thence South with the eastern corporate limits to its point of intersection with the south corporate limits, thence west with the southern corporate limits to its point of intersection with the western corporate limits; thence north and west with the western corporate limits to the point of beginning.

DISTRICT 2

Beginning at a point, said point being the intersection of the South Fork of the Forked Deer River and South Highland Ave; thence north along South Highland Ave. to the intersection of North Highland Ave. and East Orleans; thence east along East Orleans to Hurt St.; thence south along Hurt St. to College St.; thence east on College St. to North Royal St.; thence south along N. Royal St. to Main St.; thence east on Main St. to the N & S Railroad track; thence south along said railroad tracks to Chester St.; thence east along Chester St. to U. S. Highway 70 Bypass; thence northeast along said Bypass to Main St.; thence west along Main St. to Hamilton St.; thence north, west and north along

Hamilton St. to Lexington St.; thence southwest along Lexington St. to Whitehall St.; thence northeast along Whitehall St. to a point in the intersection of the eastern corporate limits; thence south along said eastern corporate limits to its point of intersection with the south fork of the Forked Deer River; thence northwest along said river to the point of beginning.

DISTRICT 3

Beginning at a point, said point being the intersection of North Highland Avenue and East Orleans St.; thence east on East Orleans St. to the intersection of Hurt St; thence south on Hurt St. to College St.; thence east on College to Royal St.; thence south on Royal St. to Main St.; thence east on Main St. to the N & S Railroad; thence south along said railroad to the intersection of Chester St.; thence east along Chester St. to U. S. Highway 70 Bypass; thence north along U. S. Highway 70 Bypass to the intersection of Main St.; thence west on Main St. to Hamilton St.; thence north, west and north along Hamilton St. to Lexington St.; thence southwest along Lexington St. to the intersection of Whitehall St.; thence northeast along Whitehall to the intersection of E. Deaderick St.; thence west on E. Deaderick to Stoddert St.; thence north on Stoddert St. to the intersection of Lee St.; thence west on Lee St. to Extention St.; thence north on Extention St. to Jackson St.; thence west on Jackson St. to the intersection of the N & S railroad; thence north along said railroad to Lane Ave.; thence west on Lane Ave. to Royal St.; thence north on Royal St. to Martha St.; thence west along Martha St. to the intersection of Briggs St.; thence north along Briggs St. to Forest Ave.; thence west along Forest Ave. to Melrose St.; thence north along Melrose St., past the dead end to the centerline of a large drainage ditch; thence northeast along said ditch, crossing Muse St. to the centerline of Royal St.; thence north on Royal St. to North Parkway; thence west along North Parkway to Old Hickory Blvd. East.; thence north and west with Old Hickory Blvd. East to the intersection of North Highland Ave.; thence continuing west along Old Hickory Blvd. East to the intersection of Rosenblum Dr.; thence South along Rosenblum, crossing North Parkway, and continuing south along Lisa Lane to the intersection of Radio Rd.; thence east along Radio Rd. to the intersection of North Highland Ave.; thence south along the centerline of North Highland Ave. to the intersection of Larnbuth St.; thence south along Lambuth St. to the intersection of Forest Ave.; thence east along Forest Ave. to the intersection of North Highland Ave.; thence south along North Highland Ave. to the intersection of West King St.; thence west, north and west along West King St. to the intersection of Lambuth St.; thence south along Lambuth St. to the intersection of Williams St.; thence west on Williams St., crossing Hollywood Dr. to the intersection of the N & S railroad; thence southeast along said railroad tracks to the intersection of Airways Blvd.; thence east on Airways Blvd. to the intersection of Lafayette St.; thence east on Lafayette St. to the

intersection of North Highland Ave.; thence north along North Highland Ave. to the point of beginning.

DISTRICT 4

Beginning at a point, said point being the intersection of Whitehall St. and E. Deaderick St.; thence northeast along Whitehall St. to its intersection with the eastern boundary of the corporate limits; thence northwest along said corporate limits to a point just west of Lawrence Switch Road; thence south to a point in the centerline of North Parkway; thence west along North Parkway to the intersection of N. Royal St.; thence south on Royal to the intersection of a large ditch just south of Kingsfield Dr.; thence northwest & southwest along said ditch to the centerline of Melrose St.; thence south along Melrose Street to Forest Ave; thence east along Forest Ave. to Briggs St.; thence south along Briggs St. to Martha St.; thence east along Martha St. to North Royal St.; thence south along North Royal St. to Lane Ave.; thence east along Lane Ave. to the intersection of the N & S railroad; thence south along said railroad to Jackson Ave.; thence east on Jackson Ave. to Extention St.; thence south along Extention St. to Lee St.; thence east on Lee St. to Stoddert; thence south on Stoddert St. to E. Deaderick St.; thence east on E. Deaderick St. to the point of beginning.

DISTRICT 5

Beginning at a point, said point being the intersection of I-40 and Hollywood Dr.; thence southeast along Hollywood Dr. to the intersection of North Parkway; thence east along North Parkway to the intersection of Russell Rd.; thence south along Russell Rd. to the intersection of Skyline Dr.; thence east along Skyline Drive to North Highland Ave.; thence south along N. Highland Ave. to Lambuth St.; thence south along Lambuth St. to Forest Ave.; thence east on Forest Ave to N. Highland Ave.; thence south along N. Highland Ave to the intersection of West King St.; thence west along West King St. to the intersection of Lambuth St.; thence south along Lambuth St. to the intersection of Williams St.; thence west on Williams St. to Hollywood Dr.; thence southeast on Hollywood Drive to Airways Blvd.; thence west on Airways Blvd. to the N & S Railroad; thence northwest along said railroad 3520 +/- feet to the centerline of a creek; thence northeast along said creek to the intersection of Hollywood Dr.; thence northwest along Hollywood Dr. to a point between Millmaster Dr. and Carolane Dr.; thence in a southwesterly direction a distance of 5280 +/- feet to a point in the South Fork of the Forked Deer River; thence southeasterly along said river to the intersection of U. S. Highway 70; thence west along U. S. Highway 70 to the intersection of the western Corporate Limits; thence meandering along said corporate limits to a point in the south right-of-way of I-40; thence northeast along said Corporate Limits to the intersection of the N & S Railroad; thence

northwest along said railroad to the centerline of 1-40; thence northeast along I-40 to the point of beginning.

DISTRICT 6

Beginning at a point said point being the intersection of North Highland Avenue and Skyline Drive; thence north along North Highland to the intersection of Radio Road; thence west on Radio Road to the intersection of Lisa Lane; thence north on Lisa Lane crossing North Parkway and continuing north on Rosenblum to the intersection of Old Hickory Blvd.; thence east along Old Hickory Boulevard to the intersection of North Highland; thence north along North Highland to the intersection of Tinkerhill Road; thence west and north along Tinkerhill to Wiley Parker Road; thence west along Wiley Parker to the intersection of Wallace Road; thence northeast along Wallace Road to the intersection of Carriage House Drive; thence due north just east of Federal Drive to a point in the centerline of I-40 said point also being a tributary of Moize Creek; thence northwest along said creek to a point in the intersection of Oil Well Road; thence west along Oil Well Road to a point in the centerline of U.S. 45 Bypass; thence due north along U.S. 45 Bypass to the intersection of Old Humboldt Road; thence northwest along Old Humboldt Road to the centerline of a creek just south of Forrest Pointe Drive; thence southwest along said creek to the centerline intersection of Greenhill Dr.; thence west along Greenhill Dr. to Willow Branch Dr.; thence south along Willow Branch Dr. to the intersection of Weatheridge Dr.; thence south along Weatheridge Dr. to Clearfield Dr.; thence east along Clearfield to the intersection of Foxworth Dr.; thence south along Foxworth Dr. to the intersection of Oil Well Rd.; thence east along Oil Well to the intersection of Walker Rd.; thence south along Walker Rd. to its projected intersection of Country Club Ln.; thence east along Country Club Ln. to the intersection of U. S. 45 Bypass; thence south along U. S. 45 Bypass to the intersection of Max Lane Drive; thence east along Max Lane Dr. to the intersection of Wallace Rd.; thence south along Wallace Rd. to the intersection of North Parkway; thence northeast along North Parkway to the intersection of Russell Rd.; thence south along Russell Rd. to the intersection of Skyline Drive; thence east along Skyline Dr. to the point of beginning.

DISTRICT 7

Beginning at a point, said point being the intersection of North Parkway and Wallace Rd.; thence west along North Parkway to the intersection of Hollywood Dr.; thence northwest along Hollywood Dr. to the centerline of I-40; thence west along I-40 to the intersection of the N & S railroad; thence meandering along the existing western Corporate Limits to a point in the northern Corporate Limits, said point being a point in the eastern R.O.W. of Old Humboldt Rd. just north of the Northpointe Subdivision; thence southeast along the Corporate Limits to

a point in the north margin of Ashport Rd.; thence west to a point at the centerline intersection of Ashport Rd. and Old Humboldt Rd.; thence southeast along Humboldt Rd. to a point in the centerline of a creek just South of Forrest Pointe Dr.; thence southwest along said creek to the centerline the intersection of Greenhill Dr.; thence west along Greenhill Dr. to Willow Branch Dr.; thence south along Willow Branch Dr. to the intersection of Weatheridge Dr.; thence south along Weatheridge Dr. to Clearfield Dr.; thence east along Clearfield to the intersection of Foxworth Dr.; thence south along Foxworth Dr. to the intersection of Oil Well Rd.; thence east along Oil Well Road to the intersection of Walker Rd.; thence south along Walker Rd. to its projected intersection of Country Club Lane.; thence east along Country Club Lane to the intersection of U. S. 45 Bypass; thence south along U. S. 45 Bypass to the intersection of Max Lane Drive; thence east along Max Lane Dr. to the intersection of Wallace Rd.; thence south along Wallace Rd. to the point of beginning.

DISTRICT 8

Beginning at a point said point being the intersection of North Highland Avenue and Hughes Drive; thence east along Hughes Drive to Northside Road; thence north on Northside Road to East University Parkway; thence east along East University Parkway a distance of 960 feet to the centerline of a ditch; thence due south along said ditch to the end of Silvercrest Cove; thence east along Silvercrest Cove to McIntosh Place; thence south on McIntosh Place to the intersection of Hopper Barker Road; thence east along Hopper Barker Road to a point in the existing corporate limits, said point being with the centerline of the ditch just east of Stratford Lane; thence meandering along the corporate limits to a point in the south right of way of I-40 and the west margin of Watson Road; thence southwesterly along the existing eastern corporate limits to its point of intersection with North Parkway; thence west along North Parkway to the intersection of Old Hickory Blvd. East; thence north on Old Hickory Blvd. East to the intersection of North Highland Avenue; thence north on Highland Avenue to the intersection of Tinkerhill Road; thence west and north on Tinkerhill Road to the intersection of Wiley Parker Road; thence west on Wiley Parker Road to the intersection of Wallace Road; thence northeast along Wallace Road to the intersection of Carriage House Drive; thence due north just east of Federal Drive to the centerline of I-40; thence east along I-40 to North Highland; thence north on North Highland Avenue to the point of beginning.

DISTRICT 9

Beginning at a point said point being the intersection of a creek at Hopper Barker Road, located just east of Stratford Lane, said point also being a point in the existing corporate limits; thence west along Hopper Barker Road to the intersection of McIntosh Place; thence due north on McIntosh Place to

Silvercrest Cove; thence west along the centerline of Silvercrest Cove to a ditch; thence north along said ditch to a point in the centerline of East University Parkway; thence west along East University Parkway to Northside Road; thence south along Northside Road to the intersection of Hughes Drive; thence west along Hughes Drive to North Highland Avenue; thence south along North Highland Avenue to intersection of I-40; thence west along I-40 a distance of 1120 feet, said point being also being a tributary of Moize Creek; thence northwest along said tributary to a point in the centerline of Oil Well Road; thence west along Oil Well Road to the intersection of US. 45 Bypass; thence north along U.S. 45 Bypass to the intersection of Old Humboldt Road; thence northwest along Old Humboldt Road a distance of 4,080 feet to a point even with the north right of way of Ashport Road; thence due east to a point in the east margin of Old Humboldt Road and north margin of Ashport Road, said point also being the existing corporate limits; thence east along the north right of way of Ashport following the existing corporate limits to a point at the west margin of U.S. 45 Bypass; thence north and westerly along said existing northwest corporate limits to its intersection of the extreme northern corporate limits; thence meandering along said existing northern corporate limits to its point of beginning. (Ord. #2001-053, Nov. 2001)

CHAPTER 3

MAYOR¹

SECTION

1-301. Access to municipal records; may require reports.

1-301. Access to municipal records; may require reports. The mayor shall have access to all books, papers and records of the city at any and all times, and may require such routine or special reports from city officers and employees as he deems necessary to enable him to properly carry out his functions as chief executive officer of the city, as prescribed by the charter. (1995 Code, § 1-301)

¹Charter references

Appointment authority

Administrative assistant: § 11.

Administrative officials: § 11.

City attorney: § 11.

Fire and police chiefs: § 11.

Other officers: § 11.

Board of utility commissioners - ex officio member of: § 66.

Chief executive officer of city: § 10.

Conflicts of interest: § 21.

Department heads agents for mayor: § 20.

Election: §§ 3-7.

Office: § 14.

Ordinances

Approves: § 15.

Veto power: § 15.

Powers and duties enumerated: § 10.

Presiding officer: § 10.

Recall: § 24.

Salary: § 14.

Special meetings - power to call: § 18.

CHAPTER 4

CODE OF ETHICS¹

SECTION

- 1-401. Applicability.
- 1-402. Definition of "personal interest."
- 1-403. Disclosure of personal interest by official with vote.
- 1-404. Disclosure of personal interest in nonvoting matters.
- 1-405. Acceptance of gratuities, etc.
- 1-406. Use of information.
- 1-407. Use of municipal time, facilities, etc.
- 1-408. Use of position or authority.
- 1-409. Outside employment.

¹State statutes dictate many of the ethics provisions that apply to municipal officials and employees. For provisions relative to the following, see the Tennessee Code Annotated (T.C.A.) sections indicated:

Campaign finance: Tennessee Code Annotated, title 2, ch. 10.

Conflict of interests: Tennessee Code Annotated, §§ 6-54-107, 108; 12-4-101, 102.

Conflict of interests disclosure statements: Tennessee Code Annotated, § 8-50-501 and the following sections.

Consulting fee prohibition for elected municipal officials: Tennessee Code Annotated, §§ 2-10-122, 124.

Crimes involving public officials (bribery, soliciting unlawful compensation, buying and selling in regard to office): Tennessee Code Annotated, § 39-16-101 and the following sections.

Crimes of official misconduct, official oppression, misuse of official information: Tennessee Code Annotated, § 39-16-401 and the following sections.

Ouster law: Tennessee Code Annotated, § 8-47-101 and the following sections.

A brief synopsis of each of these laws appears in Appendix A of this municipal code.

- 1-410. Ethics complaints.
 1-411. Violations.

1-401. Applicability. This chapter is the code of ethics for personnel of the municipality. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the municipality. The words "municipal" and "municipality" include these separate entities. (Ord. #2006038, Oct. 2006)

1-402. Definition of "personal interest." (1) For purposes of §§ 1-403 and 1-404, "personal interest" means:

- (a) Any financial, ownership, or employment interest in the subject of a vote by a municipal board not otherwise regulated by state statutes on conflicts of interests; or
- (b) Any financial, ownership, or employment interest in a matter to be regulated or supervised; or
- (c) Any such financial, ownership, or employment interest of the official's or employee's spouse, parent(s), stepparent(s), grandparent(s), sibling(s), child(ren), or stepchild(ren).

(2) The words "employment interest" includes a situation in which an official or employee or a designated family member is negotiating possible employment with a person or organization that is the subject of the vote or that is to be regulated or supervised.

(3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter. (Ord. #2006038, Oct. 2006)

1-403. Disclosure of personal interest by official with vote. An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself¹ from voting on the measure. (Ord. #2006038, Oct. 2006)

1-404. Disclosure of personal interest in nonvoting matters. An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects

¹Masculine pronouns include the feminine. Only masculine pronouns have been used for convenience and readability.

or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the recorder. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter. (Ord. #2006038, Oct. 2006)

1-405. Acceptance of gratuities, etc. An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the municipality:

(1) For the performance of an act, or refraining from performance of an act, that he would be expected to perform, or refrain from performing, in the regular course of his duties; or

(2) That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business. (Ord. #2006038, Oct. 2006)

1-406. Use of information. (1) An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.

(2) An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity. (Ord. #2006038, Oct. 2006)

1-407. Use of municipal time, facilities, etc. (1) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself.

(2) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the governing body to be in the best interests of the municipality. (Ord. #2006038, Oct. 2006)

1-408. Use of position or authority. (1) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the municipality.

(2) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, or ordinance or policy of the municipality. (Ord. #2006038, Oct. 2006)

1-409. Outside employment. An official or employee may not accept or continue any outside employment if the work unreasonably inhibits the

performance of any affirmative duty of the municipal position or conflicts with any provision of the municipality's charter or any ordinance or policy. (Ord. #2006038, Oct. 2006)

1-410. Ethics complaints. (1) The city attorney is designated as the ethics officer of the municipality. Upon the written request of an official or employee potentially affected by a provision of this chapter, the city attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.

(2) (a) Except as otherwise provided in this subsection, the city attorney shall investigate any credible complaint against an appointed official or employee charging any violation of this chapter, or may undertake an investigation on his own initiative when he acquires information indicating a possible violation and make recommendations for action to end or seek retribution for any activity that, in the attorney's judgment, constitutes a violation of this code of ethics.

(b) The city attorney may request that the governing body hire another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interests in a particular matter.

(c) When a complaint of a violation of any provision of this chapter is lodged against a member of the municipality's governing body, the governing body shall either determine that the complaint has merit, determine that the complaint does not have merit, or determine that the complaint has sufficient merit to warrant further investigation. If the governing body determines that a complaint warrants further investigation, it shall authorize an investigation by the city attorney or another individual or entity chosen by the governing body.

(3) The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting and enforcing this code of ethics.

(4) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics. (Ord. #2006038, Oct. 2006)

1-411. Violations. An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the municipality's charter or other applicable law and in addition is subject to censure by the governing body. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (Ord. #2006038, Oct. 2006)