

1 **MAYOR AND COMMISSIONERS OF THE TOWN OF PERRYVILLE**
2 **Ordinance 2023-15**

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5 **Introduced By: Mayor Roath**

6
7 **Date Introduced: August 1, 2023**

8
9 **Amendments Adopted: N/A**

10
11 **Date Adopted: September 5, 2023**

12
13 **Date Effective: September 25, 2023**
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16
17 **AN ORDINANCE concerning**

18
19 **MAYOR AND COMMISSIONERS CODE OF CONDUCT ENFORCEMENT**

20
21 **FOR** the purpose of providing for enforcement of a Code of Conduct for the Mayor and
22 Commissioners as prescribed by Section C3-10 of the Town of Perryville Charter; and generally
23 relating to regulation of the conduct of the Mayor and Commissioners of the Town of Perryville.

24
25 **BY** adding
26 Chapter 6 Mayor and Commissioner Code of Conduct
27 Section 6-3
28 Code of the Town of Perryville
29

EXPLANATION:
CAPITALS INDICATE MATTER ADDED TO EXISTING LAW
((Double Parenthesis)) indicate matter deleted from existing law.
Underlining indicates amendments to bill.
~~Strike Out~~ indicates matter stricken from bill by amendment or deleted
from the law by amendment
*** indicates omitted text that is not amended by this ordinance.

30
31 **SECTION 1. BE IT ENACTED BY THE MAYOR AND COMMISSIONERS OF**
32 **THE TOWN OF PERRYVILLE** that new Section 6-3 is hereby added to the Code of the Town
33 of Perryville, Chapter 6 – Mayor and Commissioners Code of Conduct, to follow immediately
34 after Section 6-2 of Chapter 6, and to read as follows:

36 **Chapter 6 – MAYOR AND COMMISSIONERS CODE OF CONDUCT**

37
38 **§ 6-3. ENFORCEMENT**
39

40 (A) THE GOAL OF ENFORCEMENT OF THIS CHAPTER AND OF SECTION C3-
41 10 OF THE TOWN CHARTER IS CORRECTIVE, RATHER THAN PENAL, AND A
42 PROGRESSIVE APPROACH TO CURING VIOLATIONS SHALL BE EMPLOYED WHEN
43 POSSIBLE, BEGINNING WITH LESS SEVERE METHODS AND PROCEEDING TO MORE
44 SEVERE METHODS AS NECESSARY.
45

46 (B) COMPLAINTS ALLEGING A VIOLATION OF SECTION C3-10 OF THE TOWN
47 CHARTER OR OF THIS CHAPTER BY AN ELECTED OFFICIAL SHALL BE SUBMITTED
48 TO THE TOWN'S ETHICS COMMISSION. A COMPLAINT SHALL BE IN WRITING,
49 SHALL IDENTIFY THE NAME OF THE ACCUSED, SHALL INCLUDE A STATEMENT
50 OF FACTS AND IDENTIFY THE PROVISION OR PROVISIONS OF SECTION C3-10 OF
51 THE TOWN CHARTER OR OF THIS CHAPTER THAT THE COMPLAINANT ALLEGES
52 HAS BEEN VIOLATED, AND SHALL BE SIGNED AND DATED BY THE
53 COMPLAINANT.
54

55 (C) THE ETHICS COMMISSION SHALL CONDUCT AN INVESTIGATION OF THE
56 ALLEGATIONS OF THE COMPLAINT IF THE COMMISSION DETERMINES THAT THE
57 COMPLAINT ALLEGES A VIOLATION OF SECTION C3-10 OR THIS CHAPTER. THE
58 COMPLAINT AND INVESTIGATION SHALL BE CONFIDENTIAL. UPON THE
59 COMPLETION OF AN INVESTIGATION, THE ETHICS COMMISSION SHALL PREPARE
60 AND FORWARD FINDINGS OF FACT TO THE TOWN'S BOARD OF APPEALS.
61

62 (D) UPON RECEIPT OF FINDINGS OF FACT FROM THE ETHICS COMMISSION,
63 THE BOARD OF APPEALS SHALL CONDUCT A HEARING ON THE COMPLAINT. THE
64 HEARING SHALL BE CLOSED TO THE PUBLIC UNLESS THE ACCUSED ELECTED
65 OFFICIAL REQUESTS THAT THE HEARING BE OPEN TO THE PUBLIC AND THE
66 BOARD OF APPEALS DETERMINES THAT CONDUCTING AN OPEN HEARING WILL
67 NOT INVOLVE AN UNWARRANTED INVASION OF PERSONAL PRIVACY OF OTHER
68 INDIVIDUALS OR THE DISCLOSURE OF CONFIDENTIAL INFORMATION. AT THE
69 HEARING THE ACCUSED OFFICIAL SHALL BE GIVEN AN OPPORTUNITY TO
70 PRESENT A DEFENSE AGAINST THE ACCUSATIONS.
71

72 (E) AFTER THE HEARING, THE BOARD OF APPEALS, BY MOTION APPROVED
73 BY THE AFFIRMATIVE VOTE OF AT LEAST THREE (3) MEMBERS OF THE BOARD,
74 SHALL APPROVE, MODIFY OR REJECT FINDINGS OF FACTS SUBMITTED TO IT BY
75 THE ETHICS COMMISSION AND SHALL DETERMINE WHETHER A VIOLATION OF
76 SECTION C3-10 OF THE CHARTER OR OF THIS CHAPTER HAS OCCURRED. IF THE
77 BOARD OF APPEALS DETERMINE THAT A VIOLATION HAS OCCURRED, THE
78 BOARD MAY IMPOSE ANY SANCTION PROVIDED IN SUBSECTION (F) THAT THE
79 BOARD DETERMINES TO BE APPROPRIATE TO THE COMPLAINT. THE ACTION OF
80 THE BOARD OF APPEALS TO IMPOSE A SANCTION MUST BE APPROVED BY THE

81 AFFIRMATIVE VOTE OF AT LEAST THREE (3) MEMBERS OF THE BOARD.

82
83 (F) THE BOARD OF APPEALS, AFTER FINDING THAT A VIOLATION OF
84 SECTION C3-10 OF THE CHARTER OR OF THIS CHAPTER HAS OCCURRED, MAY, IN
85 A PUBLIC MEETING, IMPOSE ONE OR MORE OF THE FOLLOWING SANCTIONS
86 THAT THE BOARD DETERMINES TO BE COMMENSURATE WITH THE NATURE OF
87 THE VIOLATION:

88
89 (1) REPRIMAND.

90
91 (2) CENSURE.

92
93 (3) FINE, NOT TO EXCEED \$500, TO BE WITHHELD FROM ANY MONIES
94 PAYABLE BY THE TOWN TO THE ELECTED OFFICIAL.

95
96 (G) THE BOARD OF APPEALS REFERRED TO IN THIS SECTION IS THE BOARD
97 OF APPEALS REFERRED TO IN SECTION 21 OF CHAPTER 84 OF THIS CODE. THE
98 DUTIES AND RESPONSIBILITIES OF THE BOARD OF APPEALS UNDER THIS
99 SECTION ARE IN ADDITION TO THE OTHER DUTIES AND RESPONSIBILITIES OF
100 THE BOARD UNDER CHAPTER 84.

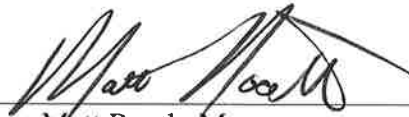
101
102 (H) THE ETHICS COMMISSION REFERRED TO IN THIS SECTION IS THE
103 ETHICS COMMISSION REFERRED TO IN SECTION 8-3 OF CHAPTER 8 OF THIS CODE.
104 THE DUTIES AND RESPONSIBILITIES OF THE ETHICS COMMISSION UNDER THIS
105 SECTION ARE IN ADDITION TO THE OTHER DUTIES AND RESPONSIBILITIES OF
106 THE COMMISSION UNDER CHAPTER 8.

107
108 **SECTION 2. AND BE IT FURTHER ENACTED BY THE MAYOR AND**
109 **COMMISSIONERS OF THE TOWN OF PERRYVILLE** that this Ordinance shall become
110 effective twenty (20) days following approval by the Mayor and Commissioners.


111
112 ADOPTED this 5th day of September, 2023.

113
114 **SEAL:**

115 **MAYOR AND COMMISSIONERS OF**
116 **THE TOWN OF PERRYVILLE**

117
118 By: 
119 Matt Roath, Mayor

120
121 ATTEST:

122
123 
124 Jackie Sample, Town Clerk

125
126 Date: 9/5/2023