

Title 1

GENERAL PROVISIONS

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Chapter 1.01

CODE ADOPTION

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*Prior ordinance history: Ord. passed 10/2/89, and 3/17/25.

1.01.010 Adoption of code.

There is adopted the “Essex Municipal Code” as compiled, edited and published by Book Publishing Company, Seattle, Washington. (§ 1 of Ord. passed 10/2/89)

1.01.020 Reference to code.

In any prosecution for the violation of any provision of said code or in any proceeding involving said code, it shall be sufficient to refer to said code as the “Essex Municipal Code.” It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part thereof as an addition to, amendment to, correction or repeal of the “Essex Municipal Code.” Further reference may be had to the titles, chapters, sections and subsections of the “Essex Municipal Code” and such references shall apply to that numbered title, chapter, section and subsection as it appears in the code. (§ 2 of Ord. passed 10/2/89)

1.01.030 Reference applies to amendments.

Any reference to the “Essex Municipal Code” or to any ordinance of the town codified therein, shall apply to all amendments, corrections and additions heretofore or hereafter made. (§3 of Ord. passed 10/2/89)

1.01.040 Title, chapter and section headings.

Title, chapter and section headings contained in said code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions contained in any title, chapter or section thereof. (§4 of Ord. passed 10/2/89)

1.01.050 References to ordinances to apply to corresponding code provisions.

The provisions of this code shall not in any manner affect matters of record which refer to, or are otherwise connected with, ordinances which are therein specifically designated by number or

otherwise and which are included within the code; such references shall be construed to apply to the corresponding provisions contained within the code. (§ 5 of Ord. passed 10/2/89)

1.01.060 Effect of code on past actions and obligations.

The adoption of this code shall not affect prosecutions for ordinance violations committed prior to the effective date of this code, does not waive any fee or penalty due and not paid on the effective date of this code, and does not affect the validity of any bond, letter of credit or cash deposit posted, filed or deposited pursuant to the requirements of any ordinance. (§ 6 of Ord. passed 10/2/89)

1.01.070 Scope.

This code includes all ordinances adopted through June 5, 1989 and subsequent amendments. Specifically not codified are zoning regulations, subdivision regulations and policy statements. (§ 7 of Ord. passed 10/2/89)

1.01.080 Savings clause.

Adoption of the codifications of ordinances shall not be construed to repeal, modify or amend the substantive provisions of any duly adopted ordinance existing as of the date hereof. (§ 8 of Ord. passed 10/2/89)

1.01.090 Severability.

In the event any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the code. (§ 9 of Ord. passed 10/2/89)

Chapter 1.05

CODE OF ETHICS INVESTIGATION AND ENFORCMENT

Sections:

1.05.010 Authority.

1.05.020 Purpose.

1.05.030 Definitions.

1.05.040 Complaints.

1.05.050 Enforcement.

1.05.060 Appeals.

1.05.070 Other laws.

1.05.080 Severability.

1.05.090 Effective date.

1.05.010 Authority.

This ordinance is adopted by the Selectboard (“Legislative Body”) of the Town of Essex

("Municipality") under authority of 24 V.S.A. § 1997.
(Ord. passed 3/17/25)

1.05.020 Purpose.

The purpose of this ordinance is to enact procedures for the investigation of complaints that allege a municipal officer has violated Vermont's Municipal Code of Ethics and the enforcement in instances of substantiated complaints, including methods of enforcement and available remedies.
(Ord. passed 3/17/25)

1.05.030 Definitions.

- A. "Designated Complaint Recipient" means the municipal officer or body designated to receive complaints alleging violations of the Municipal Code of Ethics.
- B. "Municipal Code of Ethics" means the municipal ethics framework in Vermont established by Act 171 (H.875) of 2024.
- C. "Municipal Ethics Complaint" means a complaint against a "Municipal Officer" or "Officer" alleging a violation of the Municipal Code of Ethics.
- D. "Municipal Officer" or "Officer" means:
 - 1. any member of a legislative body of a municipality;
 - 2. any member of a quasi-judicial body of a municipality; or
 - 3. any individual who holds the position of, or exercises the function of, any of the following positions in or on behalf of any municipality:
 - a. advisory budget committee member;
 - b. auditor;
 - c. building inspector;
 - d. cemetery commissioner;
 - e. chief administrative officer;
 - f. clerk;
 - g. collector of delinquent taxes;
 - h. department heads;
 - i. first constable;
 - j. lister or assessor;
 - k. mayor;
 - l. moderator;
 - m. planning commission member;
 - n. road commissioner;
 - o. town or city manager;
 - p. treasurer;
 - q. village or town trustee;
 - r. trustee of public funds; or
 - s. water commissioner.

- E. "Public body" means any board, council, or commission of the Municipality, any board, council, or commission of any agency, authority, or instrumentality of the Municipality, or any committee or subcommittee of any of the foregoing boards, councils, or commissions.

(Ord. passed 3/17/25)

1.05.040 Complaints.

- A. Any member of the general public may make a Municipal Ethics Complaint including any person elected, appointed, or employed by the Municipality.
- B. All Municipal Ethics Complaints must be directed to the Designated Complaint Recipient.
- C. The Designated Complaint Recipient will conduct a prompt, thorough, and impartial investigation of all Municipal Ethics Complaint, and confidentiality will be protected to the extent possible.
- D. Municipal Ethics Complaints against the Designated Complaint Recipient must be directed to the Deputy Manager of the Town of Essex.
- E. No person will be adversely affected in either their volunteer or employment status with the Municipality as a result of bringing a Municipal Ethics Complaint.

(Ord. passed 3/17/25)

1.05.050 Enforcement.

If the Designated Complaint Recipient, or the Town Manager in the case of a Municipal Complaint brought against the Designated Complaint Recipient, determines that a violation of the Municipal Code of Ethics has occurred, the Deputy Manager will take immediate and appropriate corrective action. Municipal Officers who are found to have violated the Municipal Code of Ethics may face the following disciplinary action:

- A. **Enforcement Against Elected Officers.** In cases in which the Municipal Officer holds elected office, the Legislative Body may, in its discretion, take any of the following disciplinary actions against such an elected officer as it deems appropriate:
 1. The Chair of the Legislative Body may meet informally with the Municipal Officer to discuss the Municipal Code of Ethics violation. This will not take place in situations where the Chair of the Legislative Body and the Municipal Officer together constitute a quorum of a public body.
 2. The Legislative Body may meet to discuss the conduct of the Municipal Officer. Executive session may be used for such discussion in accordance with 1 V.S.A. § 313(a)(4). The Municipal Officer may request that this meeting occur in public. If

appropriate, the Legislative Body may admonish the offending Municipal Officer in private.

3. The Legislative Body may admonish the offending Municipal Officer at an open meeting and reflect this action in the minutes of the meeting. The Municipal Officer will be given the opportunity to respond to the admonishment.
4. Upon majority vote in an open meeting, the Legislative Body may request (but not order) that the offending Municipal Officer resign from their office.

B. Enforcement Against Appointed Officers. In cases in which the Municipal Officer holds appointed office, the Legislative Body may choose to follow any of the steps articulated in Section 5A. In addition to, or in lieu of any of those steps, the Legislative Body may choose to remove an appointed Municipal Officer from office, subject to state law.

C. Enforcement Against Employees. In cases in which the Municipal Officer is also an employee of the Municipality, the Town Manager may take any disciplinary action, up to and including termination, in accordance with the Municipality's personnel policy.

(Ord. passed 3/17/25)

1.05.060 Appeals.

A decision of the Legislative Body may be reviewable by the Vermont Superior Court pursuant to Rule 75 of the VT Rules of Civil Procedure. An enforcement action taken against an employee may be appealed in accordance with the Municipality's personnel policy.

(Ord. passed 3/17/25)

1.05.070 Other laws.

This ordinance is in addition to all other ordinances of the Municipality and all applicable laws of the State of Vermont. All ordinances or parts of ordinances, resolutions, regulations, policies, or other documents inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

(Ord. passed 3/17/25)

1.05.080 Severability.

If any section of this ordinance is held by a court of competent jurisdiction to be invalid, such finding will not invalidate any other part of this ordinance. If any statute referred to in this ordinance is amended, this ordinance will be deemed to refer to such amended statute.

(Ord. passed 3/17/25)

1.05.090 Effective date.

This ordinance will become effective sixty (60) days after its adoption by the Legislative Body. If a petition is filed under 24 V.S.A. § 1973, that statute will govern the taking effect of this ordinance.

(Ord. passed 3/17/25)