

ORDINANCE NO. 13-\_\_\_\_\_

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTION 2-207; PROVIDING THAT THE OFFICE OF MAYOR OR COUNCILMEMBER SHALL BE FORFEITED UNDER CERTAIN CIRCUMSTANCES.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

Section 1. That the Billings, Montana City Code be amended by changing Section 2-207 to read as follows:

**“Sec. 2-207. Forfeiture of Office.**

(a) The office of mayor and the office of city councilmember are forfeited and become vacant for lack of qualification for that office pursuant to Section 3.09(B)(1) of the city Charter, together with applicable state law, upon the occurrence of any of the following events prior to the expiration of the term of the incumbent:

(1) the death of the incumbent;

(2) the incumbent’s inability to fulfill the duties of the office as a result of a physical illness or mental disorder. A determination of whether the incumbent has a mental disorder shall be made pursuant to Montana Code Annotated, Title 53, chapter 21, part 1;

~~(2)~~(3) the incumbent's resignation;

(4) the incumbent's removal from office;

(5) the incumbent's open neglect or refusal to discharge duties;

~~(4)~~(6) the incumbent's ceasing to be a resident of the city or, in the case of a city councilmember, ceasing to be a resident of the city councilmember's ward; ~~or~~

(7) the incumbent's ceasing to discharge the duty of office for a period of three (3) consecutive months for any reason without the consent of the council;

~~(3)~~(8) the incumbent's conviction of a felony or of any offense involving moral turpitude or a violation of official duties;

(9)If required to do so by law, the incumbent's refusal or neglect to file an official bond within the time prescribed;

~~(5)(10)~~ the decision of a competent tribunal declaring void the incumbent's election or appointment.

(b) Upon forfeiture of office, the vacancy shall be filled as set out in Section 3.09 of the city Charter.”

Section 2. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

Section 3. Repealer. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 4. Effective Date. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

PASSED by the City Council on first reading this 25th day of February 2013.

PASSED, ADOPTED and APPROVED on second reading this 11th day of March 2013.

CITY OF BILLINGS

By \_\_\_\_\_  
Thomas W. Hanel, Mayor

ATTEST:

By \_\_\_\_\_  
Cari Martin, City Clerk