

ORDINANCE NO. 1, SERIES 2023

AN ORDINANCE DEFINING “VACANCY” IN THE OFFICE OF MAYOR OR COUNCILMAN AND PROVIDING FOR A PROCEDURE TO FILL A VACANCY, SEVERABILITY, REPEALING CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE

BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF UPTON, WYOMING,

SECTION 1: DEFINITION OF VACANCY

A vacancy shall exist in the office of Mayor or Councilman if during the term for which elected any Mayor or Councilman:

- a. Dies;
- b. Resigns;
- c. Is convicted of a felony or constituting a breach of his or her oath of office;
- d. Fails to reside within the Upton town limits as his or her primary residence;
- e. Fails to attend four (4) or more consecutive regularly scheduled meetings as the council schedules without an excused absence as determined by a majority of the council;
- f. Is determined by a Court having jurisdiction to be mentally incompetent;
- g. Is disqualified from holding office for any reason specified by law.

SECTION 2: PROCEDURE TO FILL A VACANT POSITION

If a vacancy is determined to exist by the governing body, the city council shall appoint an eligible person to the office who shall serve until his or her successor is elected at the next general municipal election and is otherwise qualified. However, a vacancy in the office of Mayor shall be filled only from the governing body.

SECTION 3: SEVERABILITY

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional, the invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this and the provisions of this act are severable.

SECTION 4: REPEALING CLAUSE

Any other ordinance or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 5: EFFECTIVE DATE

This Ordinance shall be effective upon passage and publication as provided by law.

PASSED, ADOPTED AND APPROVED this 9th day of May, 2023.

Attest:

TOWN OF UPTON, WYOMING

Kelley Millar
Clerk/Treasurer

BY:_____
Nicholas Trandahl
Mayor

(SEAL)

Passed on first reading: March 14, 2023

Passed on second reading: April 11, 2023

PASSED, APPROVED AND ADOPTED on third reading this 9th day of May 2023.

CERTIFICATION OF PUBLICATION

I hereby certify the foregoing Ordinance No. 1, Series 2023 was published once in the Weston County Gazette on the 18th day of May 2023.

Clerk/Treasurer