

SECTION 3. REMOVAL

If at any time the Mayor shall cease to possess any of the aforesaid qualifications of office, or shall be declared legally incompetent, or to be determined by a majority vote of Council to be guilty of malfeasance, misfeasance or nonfeasance in office, it shall be the duty of Council to declare the office of Mayor vacant, and upon such declaration the office of Mayor shall automatically and immediately become vacant. Such declaration by Council shall be made by a majority vote of Council but shall not be finally and officially made until after a public hearing upon the charge or charges brought, and provided further that the Mayor shall have been notified in writing of the charge or charges against him at least fifteen (15) days in advance of such hearing; provided further, that the Mayor and/or his counsel shall have been given an opportunity to be heard, present evidence and examine under oath, all witnesses appearing in support of such charge or charges. To be effective and final, such declaration of vacancy in the office of Mayor must receive the affirmative vote of two-thirds (2/3) of the membership of the legislative authority at the conclusion of the public hearing.

If at any time the Mayor shall be convicted of a felony or other crime involving moral turpitude, it shall be the duty of Council to declare the office of Mayor vacant and upon such declaration the office of Mayor shall automatically and immediately become vacant. Such declaration by Council shall cause the office of Mayor to be vacant provided, however, that the Mayor shall be notified in writing of the fact that the Council has declared the office of Mayor vacant as a result of the Mayor having been convicted of a felony or other crime involving moral turpitude. The Mayor shall if he disputes the fact that he has been convicted of a felony or other crime of moral turpitude shall advise the Council through the Clerk of Council within fifteen (15) days from the date of the receipt by him of the above set forth notification and upon such notification a hearing shall be held by the Council and the Mayor shall be notified in writing at least fifteen (15) days in advance of the hearing as to the date, place and time of the hearing; and further provided that the Mayor or his counsel shall be given an opportunity to be heard, present evidence and examine under oath all witnesses appearing in support of the claim that the Mayor has been convicted of a felony or other crime of moral turpitude. For the declaration of vacancy in the office of Mayor on the basis that the Mayor has been convicted of a felony or other crime involving moral turpitude to be effective; the determination that the Mayor has been convicted of a felony or other crime involving moral turpitude must receive the affirmative vote of two-thirds (2/3) of the membership of the legislative authority.

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