

ORDINANCE NO. 06-5361

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTIONS 10-201, 10-202, 10-203, AND 10-205; AUTHORIZING A PART-TIME ASSISTANT MUNICIPAL COURT JUDGE; UPDATING QUALIFICATIONS

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

*Section 1.* That Section 10-201 of the Billings, Montana City Code be amended so that such section shall read as follows:

**“Sec. 10-201. Qualifications.**

A municipal court judge must have the same qualifications as a judge of a district court, as set forth in Article VII, section 9, of the 1972 Montana constitution, except that a municipal court judge need only be admitted to the practice of law in the state for at least ~~two (2)~~ three (3) years prior to the date of appointment or election. A municipal court judge ~~must be a resident and voter in the City of Billings at the time of election~~ reside in Yellowstone County and shall be a citizen of the United States and a resident of Yellowstone County for 1 year next preceding his election or appointment.

*Section 2.* That Section 10-202 of the Billings, Montana City Code be amended so that such section shall read as follows:

**“Sec. 10-202. Full-time Municipal Court Judges.**

- (1) There shall be one (1) full-time elected municipal court judge. ~~The municipal court judge shall be a full-time judge and shall not be employed in addition to his or her employment as the municipal judge. The judge's term commences on the first Monday in January following the election. The judge shall hold office for the term of four years and until a successor is elected and qualified.~~
- (2) The elected municipal court judge may, with the approval of the City Council, appoint a part-time assistant judge, who must have the same qualifications as a judge pro tempore, to serve during the elected judge's term of office. An order by a part-time assistant judge has the same force and effect as an order of a municipal court judge.

*Section 3.* That Section 10-203 of the Billings, Montana City Code be amended so that such section shall read as follows:

**"Sec. 10-203. Qualifications of a judge pro tempore.**

When a judge of the municipal court has been disqualified or is sick or unable to act, the judge shall call in ~~a justice of the peace or some qualified practicing attorney of the county who shall be judge pro tem with the same powers for the purposes of the cause as the judge of the municipal court.~~ a sitting or retired judge of a court of record or an attorney who has been a member of the state bar of Montana for five or more years to act as a judge pro tempore. The judge pro tempore has the same power and authority as the municipal court judge.

*Section 4.* That Section 10-205 of the Billings, Montana City Code be amended so that such section shall read as follows:

**"Sec. 10-205. Annual salary; expenses.**

- (a) Pursuant to MCA 3-6-203, the salary of the Billings Municipal Court Judge ~~may~~ and any part-time assistant judge must be fixed by ordinance or resolution.
- (b) In addition to the foregoing, the Billings Municipal Court Judge shall receive his or her actual and necessary traveling expenses and all other necessary expenses as budgeted in the city's annual budget.

*Section 5. EFFECTIVE DATE.* This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

*Section 6. REPEALER.* All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

*Section 7. 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.

PASSED by the City Council on first reading this 27th day of February, 2006.

PASSED, ADOPTED and APPROVED on second reading this 13th day of March, 2006.

CITY OF BILLINGS

By \_\_\_\_\_  
Ron Tussing, Mayor

ATTEST:

By \_\_\_\_\_  
Marita Herold, CMC/AAE City Clerk