

ORDINANCE NO. 042-2023

AN ORDINANCE AMENDING ORDINANCE 039-2023 UPDATING THE REQUIREMENTS FOR THE USE AND DISPOSITION OF MUNICIPAL PROPERTY.

WHEREAS, Maumee has previously adopted Chapter 105 titled Municipal Property of the Maumee Codified Ordinances and adopted Ordinance 039-2023,

WHEREAS, in order to add one additional provision Ordinance 039-2023 should be amended to include the following revisions.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Maumee, Ohio, that:

SECTION 1. Ordinance 039-2023 and Chapter 105 of the Maumee Codified Ordinances be, and the same hereby are amended as follows:

CHAPTER 105  
Municipal Property

105.01 Use of municipal buildings.

105.02 Use of municipally owned equipment.

**105.03 Disposal of personal property and vehicles unneeded, obsolete, or unfit for municipal purposes**

**105.04 Sale or Lease of City owned Real Property**

CROSS REFERENCES

~~Sale or lease of property - see Ohio R.C. Ch. 721~~

~~Disposition of property - see Ohio R.C. 2933.41~~

~~Destruction of property - see GEN. OFF. 541.04~~

~~Amend Ord. 12-2015~~

**105.01 USE OF MUNICIPAL BUILDINGS.**

The **City Administrator in consultation with the Finance Director and Law Director** ~~Directors of Public Safety and Service~~ is hereby authorized and empowered to establish rules and regulations concerning the use of the municipal buildings **and real property**, and to charge and collect from persons or organizations using the same, except in connection with municipal business, reasonable charges to cover heat, light, **insurance, overhead, employee costs**, janitor service and **other costs** for such use.

**105.02 USE OF MUNICIPALLY OWNED EQUIPMENT.**

(a) Vehicles, equipment, and personal property belonging to the City shall not be used by or for the benefit of private individuals, firms, or corporations **unless it for a public purpose or public project; or except** under the conditions and in the manner provided in this section **or pursuant to rules established for use of said vehicles.**

~~(b) If in the judgment of the Mayor or the Directors of Public Safety and Service an emergency exists requiring the use or employment of such vehicles, equipment or personal property for the benefit or on behalf of private individuals, firms or corporations, the same may be so used, but only in the charge of and under the direction of an employee~~

~~or employees of the City designated by the Mayor or Directors and upon condition that the party or parties for whom the same is used pay to the City the cost of the use thereof as fixed by the Directors, which shall include compensation to City employees in charge of or directing the use of such vehicles, equipment or personal property.~~

(e) **(b) The Law Director and Finance Director** Directors of Public Safety and Service are hereby authorized to establish and enforce rules, **insurance requirements**, regulations and rates of charge for the use of such vehicles, equipment and personal property in accordance with this section.

(d) **(c) Nothing** contained herein shall be deemed to authorize or permit the employment or use of municipally owned property in any manner or for any purpose forbidden by the statutes or laws of **the City of Maumee or the State of Ohio.**

### **105.03 DISPOSAL OF PERSONAL PROPERTY AND VEHICLES UNNEEDED, OBSOLETE OR UNFIT FOR MUNICIPAL PURPOSES.**

**(a) The City shall dispose of municipal personal property and vehicles that are no longer needed for a public purpose. Reasonable efforts shall be made to obtain the value for the sale or disposition of such property. City Council shall authorize surplus of said property as required per policy.**

**(1) Scrap value, repair, storage, labor, and other applicable costs are considered when determining the value of said property.**

**(b) Methods of sale and/or disposal.**

**(1) Auction, sealed bids, or Internet auction:**

**(A) Auctions and sealed bid disposal shall be conducted after advertisement for not less than two (2) consecutive weeks in a newspaper of general circulation within the municipal corporation and/or on municipal website for the same.**

**(B) Internet auctions shall be open for a minimum of 28 days for all non-motor vehicle sales; 45 days for sales of motor vehicles.**

**(C) Minimum bid shall be determined by department supervisor and City Administrator or division Director.**

**(D) Property scheduled for auction, sealed bids, or Internet auction shall be sold to the highest and best bidder. The department supervisor or City Administrator or division Director is authorized to determine the highest and best bidder and to reject any and all bids.**

**(2) Fixed Price:**

**(A) Price shall be determined by City Administrator and Finance Director with consultation of division supervisor or as determined by City Administrator.**

**(B) Property shall be made available for sale on a case by case basis; including but not limited to website or social media advertising and specific inquiries.**

**(C) Sale shall be awarded in order offer is received.**

**(D) In addition to payment of the purchase price, the City Administrator may require reimbursement to the city for some or all of the City's costs associated with the sale of the item, including but not limited to surveyor fees, advertising costs, auctioneer fees or commissions.**

**(c) Authorization for disposal:**

**(1) City Council shall authorize the sale or otherwise dispose of personal property and/ or vehicles with a fair market value of \$5,000 or more.**

(2) City Administrator in consultation with the Finance Director and Law Director is authorized to sell or otherwise dispose of surplus personal property and/or vehicles with a fair market value of less than \$5,000 by any of the methods set forth herein.

(d) Other dispositions of municipal personal property and/or vehicles:

(1) By destruction upon the determination of the City Administrator and/or the City Law Director that the property needs to be destroyed for public safety reasons.

(2) By trade for goods or services of like value when such trade is determined by the City Administrator to be in the best interest of the City.

(3) By trade-in for credit at the time of the City's purchase of new or replacement property.

(4) By sale to another government jurisdiction without the requirement of competitive bidding.

(5) By donation to a charitable organization.

(6) By selling as scrap metal.

(7) By refuse collection if item holds no value or has minimal value and the cost of disposal will exceed sales price, and no other disposition method listed above would apply.

#### **105.04 SALE OR LEASE OF CITY OWNED REAL PROPERTY.**

(a) Except as otherwise provided herein, real property, or any interest therein, belonging to the City may be sold, leased or otherwise encumbered pursuant to the methods established for the sale or lease by an ordinance, passed by Council, authorizing such sale, lease or encumbrance, after a finding by the City Administrator or City Council that it is no longer needed for municipal purposes or, in those cases in which real estate is offered only for lease for a term, that it will not be needed for municipal purposes during the term or, in those cases where a proposed sale is for an interest of less than fee simple, that the sale shall not be adverse to those interests in the real property retained by the City. Council may authorize the City Administrator to transfer, convey, and/or lease real property, owned by the City as part of an economic development incentive and/or development agreement.

When bidding is authorized by an ordinance authorizing the sale of real property, bidding shall be conducted by the City Administrator in conformance with the terms of said ordinance. Such terms shall include, as appropriate, the method of taking bids, the minimum bid amount, references to available additional information, the method of advertising for bids and other pertinent information. In addition to payment of the purchase price, the City Administrator may require the highest bidder to reimburse the City for some or all of the City's costs associated with the sale of the real property interest, including but not limited to the appraiser and surveyor fees, advertising costs, auctioneer fees, real estate commissions, title insurance fees, transfer fees, document preparation costs, taxes and closing costs. The City Administrator shall in all cases reserve the right to reject all bids in the event that it is determined that no bids submitted are acceptable. If an ordinance requires the auction of real property, if said property is not sold at auction, said property may be offered for sale at a later auction without further action of Council. The requirement of a minimum bid for real property which has received no acceptable bids at a prior auction may be waived by

the City Administrator. If more than one bid acceptable to the City Administrator is received for a parcel of real property, the parcel may be sold to the highest bidder.

The City Administrator shall in all cases reserve the right to reject any and all bids or offers for the sale of real property in the event that it is determined that no offers or bids submitted are acceptable.

(b) The City Administrator in consultation with the Finance Director and Law Director is authorized, without the approval of Council, to do the following:

(1) Grant a lease of, or right of entry upon, any City-owned real property for a term of one year or less.

(2) Grant an easement on, over, under, or across City-owned real property for utility purposes or other purposes that are in the best interest of the City.

(3) Execute, on behalf of the City, Ohio Department of Liquor Control forms enabling promoters of special events to provide or sell alcoholic beverages on City owned real property.

**(4) Grant a license for use of City of Maumee property including use of right of ways.**

SECTION 2. Ordinance 039-2023 and Chapter 105 of the Maumee Codified Ordinances are hereby amended in part to reflect the foregoing addition;

SECTION 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of Council's committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements of the Charter of Maumee, Ohio and the laws of the State of Ohio.

Motion to waive three readings: Noonan Second: Fiscus

Yeas: 6 Nays: 0

Motion to Pass: Noonan Second: Fiscus

Yeas: 6 Nays: 0

Passed: November 6, 2023.

Mayor

ATTEST:

Municipal Clerk

Approved as to form by:

Law Director

CERTIFICATE OF POSTING

I, Clerk of Council of the Municipality of Maumee, Ohio, do hereby certify that Ordinance/Resolution No. 042-2023 was duty posted on 11-7-2023 and remained posted for a period of fifteen days thereafter, in not less than five of the most public places in the municipality as determined by the Council of said Municipality.

Carol Kosicki  
Clerk of Council

Date: Nov. 22, 2023