

# COUNCIL CHAMBER

City of Berea, Ohio

Ordinance No. 2021-70

By Nick Skoczen Sponsored By Mayor Cyril M. Kleem

## AN ORDINANCE

**ENACTING NEW SECTION 125.03 TO ESTABLISH THE PROCEDURES FOR THE DISPOSITION OF PERSONAL PROPERTY NO LONGER NEEDED FOR MUNICIPAL PURPOSES OR PUBLIC USE, OR ARE OBSOLETE OR UNFIT FOR THE USE FOR WHICH THEY WERE ACQUIRED.**

**WHEREAS**, the Home Rule powers of Section 3 of Article 18 of the Ohio Constitution grant power to the City of Berea to enact legislation providing for the disposition of personal property; and

**WHEREAS**, the Council of the City of Berea wishes to establish procedures for the disposition of personal property no longer needed for municipal purposes or public use, or are obsolete or unfit for the use for which they were acquired.

**NOW THEREFORE, BE IT ORDAINED** by the Council of the City of Berea, State of Ohio:

**SECTION 1.** That new Section 125.03, Disposition of Personal Property, of the Codified Ordinances of the City of Berea is hereby enacted, which shall read as follows:

### 125.03 Disposition of Personal Property

(a) Municipal personal property that is not needed for public use, or is obsolete or unfit for the use for which it was acquired, and that the property has no value, the Director having supervision or management of the property may discard or salvage that property, provided that a record is kept by the Director demonstrating that the property has no value, and documenting the date of disposal.

#### (b) Internet Auction

(1) Personal property that is not needed for municipal purposes or is unsuitable for public use or is obsolete or unfit for the use for which it was required may be sold by internet auction to the highest bidder.

(2) If property is to be sold by internet auction, the City shall post on a page on the City's website dedicated to the sale of personal property, the following information:

(A) The City's intent to sell personal property by internet auction

(B) Photographs of items to be sold

(C) Terms and conditions of each sale

(D) The name, address and telephone number of the entity conducting the auction

(E) The general terms and conditions of sales

(3) Personal property to be sold by internet auction shall be available for public bid for a minimum of ten days, excluding Saturdays, Sundays and legal holidays.

(4) The Director having supervision or management of the property may establish a minimum price that will be accepted for specific items and may establish any special terms and conditions for the particular sale, including requirements for pick-up or delivery, method of payment, and sales tax. This information shall be provided on the City's web page dedicated to the disposition of personal property.

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(5) In the absence of any bids, or if a minimum bid is not met, and the personal property has been listed as available for sale by public auction for a minimum of ten days, excluding Saturdays, Sundays and legal holidays, the Director may relist the items for sale by internet auction or may donate or discard or salvage the property, in a manner consistent with this Section.

(6) Information required to be posted in accordance with (2) above, shall also be posted outside the office of the Clerk of Council.

(c) When the City has vehicles, equipment, or machinery which are obsolete, or is not needed for municipal purposes or is unfit for public use, and also has need for other vehicles, equipment, or machinery of the same type, and it is in the best interest of the municipal corporation that the sale of such property be made simultaneously with the purchase of the new vehicles, equipment, or machinery of the same type, the Director having supervision or management of the property, may offer to sell, those vehicles, equipment, or machinery and to have the selling price credited against the purchase price of other vehicles, equipment, or machinery and to consummate the sale and purchase, provided such purchase otherwise complies with applicable law.

(d) Donation of Personal Property

(1) Municipal personal property with a value of less than Two-Thousand Five Hundred Dollars (\$2,500.00), that is not needed for public use, or is obsolete or unfit for the use for which it was required, may be donated to another public agency, including, but not limited to, a county, public school or library, or to another political subdivision, or to a not-for-profit organization serving the residents of the City of Berea. Donations of personal property with a value of less than Two-Thousand Five Hundred Dollars (\$2,500.00) made to a not-for-profit organization serving the residents of Berea shall require the approval of the Board of Control, which shall among other relevant factors, consider how the organization serves the residents of Berea.

(2) Municipal personal property with a value in excess of Two-Thousand Five Hundred Dollars (\$2,500), that is not needed for public use, or is obsolete or unfit for the use for which it was required, may be donated to another public agency, including but not limited to a county, public school or library, or to another political subdivision, or to a not-for-profit organization serving the residents of the City of Berea, upon passage of a Resolution by Berea City Council.

(e) Lost property in the custody of any City department may be disposed of in accordance with this Section, provided that a good faith effort has been made to ascertain the owner of the property, and if so identified, the owner receives notice by regular mail that the property shall be so disposed if it is not picked-up within ten (10) days of mailing.

(f) Unclaimed or forfeited property in the custody of the Berea Police Department or personal property ordered forfeited as contraband shall be disposed of in accordance with R.C. 2981.12.

**SECTION 2.** That is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

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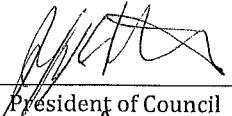
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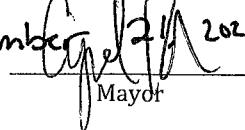
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SECTION 3. That this Ordinance shall take effect and shall be in force from and after the earliest period allowed by law.

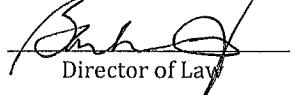
PASSED: December 20, 2021

  
President of Council

ATTEST: Alyce E.  
Clerk of Council

  
Approved: December 20, 2021  
Mayor

Approved as to Form:

  
Director of Law