

Chapter 104

PROPERTY, ABANDONED AND SURPLUS

[HISTORY: Adopted by the Village Board of Trustees of the Village of Hixton 10-6-1987 (Title 3, Ch. 3, of the 1987 Code of Ordinances). Amendments noted where applicable.]

§ 104-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

SURPLUS VILLAGE PROPERTY

- A. That property which is owned by the Village of Hixton and which has no further usefulness to the Village. An item of property shall be considered to have no further usefulness when:
 - (1) The item or its function has been totally replaced by other Village property and no probable future function exists for it; or
 - (2) The Village no longer performs the service for which the item was purchased and no other service can reasonably be provided by the item; or
 - (3) The item is no longer able to reliably or economically perform the work required of it.
- B. Surplus property as defined in this chapter shall not include land or buildings but shall include fixtures and such salvage as may be taken from a building without structural damage when such fixtures and salvage are not part of a demolition contract. Surplus Village property shall not include property which is obtained by the Village as a result of abandonment or loss by the property's original owner. Surplus Village property shall not include items of property which are traded in for newer items. Surplus Village property shall not include library materials used by the public library for lending purposes.

§ 104-2. Determination of surplus Village property.

- A. Whenever an item of Village property is determined to be surplus Village property on the basis that the Village no longer performs the service for which the item was purchased, the Village Board shall determine whether or not the item is surplus Village property.
- B. Whenever the fair market value of the item is more than \$500, the Village Board shall determine whether or not the item is surplus Village property. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

§ 104-3. Disposition of surplus Village property.

- A. Whenever the Village Board determines that an item of property is surplus Village property, it shall dispose of such property as it determines.
- B. Whenever the fair market value of an item is more than \$500 and the Village Board has

determined, pursuant to § 104-2, that the item is surplus Village property, the department head responsible for the items shall dispose of the property by:

- (1) Donation to a nonprofit organization within the Village or to a governmental agency;
or
 - (2) Public auction; or
 - (3) Sale by sealed bid.
- C. In the event of a public auction or sale by sealed bid, the item will be sold in "as-is" condition to the person submitting the highest bid; provided, however, that a lower bid submitted by a nonprofit organization or governmental agency may be accepted by the Village Board. The department head responsible for the item shall determine the time in which the successful bidder must remove the item. In the event the item is not removed within that time, the item shall revert to the Village and the amount of the bid shall be forfeited to the Village. In the event no bids are received, the item shall be disposed of as directed by the Village Board. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- D. No public auction or awarding of bids shall occur under this chapter unless a description of the item to be sold and an advance notice of the time and place for such auction or bid submission is first published as a Class 2 notice in the official Village newspaper.
- E. Whenever the fair market value of an item is \$500 or less and the Village Board has determined, pursuant to § 104-2, that it is surplus Village property, the item shall be either disposed of as set forth in Subsection B above or destroyed.

§ 104-4. Determination of fair market values.

Whenever this chapter requires a determination of the fair market value of an item of property, that determination shall be made by the department head responsible for the property, whose decision shall be final.

§ 104-5. Authority to dispose of property.

- A. Except for library materials used by the public library for lending purposes, only the Village Board may dispose of Village property which is not surplus Village property.
- B. Whenever this chapter provides for an auction or other disposition of any property, the Village Board shall be authorized to hire an auctioneer or take such other action as is necessary to properly dispose of the property provided, however, that the fees of such auctioneer and all such costs, other than those for Village labor and the use of Village property, do not exceed the payment received by the Village from the auction or sale of the property.