

ORDINANCE NO. 2010-16

**AN ORDINANCE OF IVINS CITY, UTAH,
REGARDING USE & DISPOSAL OF CITY PROPERTY**

WHEREAS, the Ivins City Council desires to amend and reorganize Chapters 1 and 12 of Title 3 of the Ivins City Code regarding the use and disposal of City property and to specifically address the disposal of City owned real property;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF IVINS CITY, STATE OF UTAH:

SECTION 1. Part 6 of Chapter 12, Title 3 of the Ivins City Code is hereby deleted in its entirety and Chapter 1, Title 3 of the Ivins City Code is hereby amended to now read as follows:

**TITLE 3
REVENUE AND FINANCE**

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**CHAPTER 1
USE & DISPOSAL OF CITY PROPERTY**

SECTION:

Part 1. Use of City Property

- 3.01.101 Unlawful Use
- 3.01.102 Exemptions
- 3.01.103 Repair Or Restoration
- 3.01.104 Franchise To Use Property

Part 2. Disposal of City Owned Personal Property

- 3.01.201 Petition City Council
- 3.01.202 Findings
- 3.01.303 Advertisement For Sale
- 3.01.304 Property With No Resale Value
- 3.01.305 Removal Of Disposed Property From City Assets

Part 3. Disposal of City Owned Real Property

- 3.01.301 Definitions
- 3.01.302 Notice
- 3.01.303 Public Comment

Part 1. Use of City Property

3.01.101 Unlawful use. Unless authorized by permit or other written authorization issued by the City, or unless authority is granted by provisions of this code or other ordinance of the City now or hereafter enacted, it shall be a Class B misdemeanor for any person to:

- (1) Construct, lay, excavate, erect, operate or maintain over, under, across, in or through any property owned or controlled by this City any utility, canal, ditch, construction or building;
- (2) Enter upon any property of this City contrary to posting or marking restricting or prohibiting use of the area; or
- (3) Intentionally use or perform acts upon property of the City that materially impairs, alters or damages the property. (Ord. 2010-16, 2010)

3.01.102 Exemptions. It shall not be a violation of this chapter when any person uses the public property of this City in the manner or for the purpose or purposes for which such property has been made available for public use. (Prior code § 8-114)

3.01.103 Repair or restoration. The City Council, in addition to any other penalty, which may be imposed, may order any person who has damaged, altered or changed any property of this City to repair or restore the property to its condition prior to the damage, alteration or change. (Ord. 2010-16, 2010)

3.01.104 Franchise to use property.

- (1) The City Council may grant to any person a franchise or easement on such terms and conditions as it deems reasonable, for the purpose of entering upon, constructing, building, operating and maintaining any business or for other use of the property of this City, and the provisions of Sections 4.01.101 and 4.01.102 shall not apply to the extent such provisions are waived, qualified or made inapplicable to the rights or privileges granted in the franchise ordinance or easement.
- (2) Any franchise or easement granted by this City shall be in writing and any franchise or easement not in writing shall be void. (Ord. 2010-16, 2010)

Part 2. Disposal of City Owned Personal Property

3.01.201 Petition City Council. Department Heads shall petition the City Council for approval to classify as, and then dispose of, any City owned personal property that is considered surplus, obsolete or unusable. (Ord. 2010-16, 2010)

3.01.202 Advertisement for sale. Any surplus personal property determined to have a resale value of \$5,000.00 or more shall be advertised for sale by the City Recorder. The City may refuse any or all bids on items offered for sale. (Ord. 2010-16, 2010)

3.01.203 Property with no resale value. Property not deemed to have a resale value of at least \$5,000.00 shall be disposed of by the Department Head in a manner deemed to be in the best interest of the public and approved by the City Manager. (Ord. 2010-16, 2010)

3.12.604 Removal of disposed property from City assets. The Department Head shall provide the Director of Finance with a list of all such property disposed of so that it may be removed from the list of City assets. (Ord. 2006-27, 2006)

Part 3. Disposal of City Owned Real Property

3.01.301 Definitions. As used in this chapter:

CITY OWNED REAL PROPERTY: Any parcel of real property owned by the City, excluding real property held jointly with other entities.

DISPOSAL or DISPOSITION: The alienation of City owned real property by sale, trade, or transfer of title.

SIGNIFICANT PARCEL: Any City owned real property. (Ord. 2010-16, 2010)

3.01.302 Notice; Public Comment. Before the City disposes of a significant parcel of real property, the City shall provide public notice of the proposed disposition and of a public hearing to receive public comment on the proposed disposition. Said notice shall include the date, time and place of the public hearing, shall be given at least fourteen (14) days before the public hearing, and shall be:

- (1) published in a newspaper of general circulation in the area;
- (2) published on the Utah Public Notice Website; and
- (3) posted at City hall and on the City's website. (Ord. 2010-16, 2010)

3.01.303 City Council approval required. Approval of the City Council shall be required for the disposition of any significant parcels of City owned real property, such approval coming after a public hearing thereon has been held and finding made that it would be in the City's best interest to proceed with the proposed disposition. The City Council shall also approve contracts related to the proposed disposition of significant parcels of City owned real property. (Ord. 2010-16, 2010)

SECTION 2. Severability. If any section, clause or portion of this ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

SECTION 3. Effective Date. This ordinance shall become effective immediately upon passage and publication.

PASSED AND ADOPTED BY THE IVINS CITY COUNCIL, STATE OF UTAH, ON THE 21st DAY OF OCTOBER, 2010, BY A UNANIMOUS VOTE. ALL COUNCIL MEMBERS WERE PRESENT AT THE MEETING AND VOTED IN FAVOR.