

ORDINANCE

AN ORDINANCE AMENDING SECTION 3.08.030(B) OF THE MANITOU SPRINGS MUNICIPAL CODE CONCERNING THE SALE OF SURPLUS PERSONAL PROPERTY (SUCH AS SURPLUS EQUIPMENT)

WHEREAS, Section 3.08.030(B) of the Manitou Springs Municipal Code currently requires the sale of surplus personal property held by the City to be via sealed bid or auction;

WHEREAS, the City Council desires to allow the City Administrator to determine the best method of selling surplus personal property held by the City in an effort to maximize the price in the least burdensome manner;

WHEREAS, this Ordinance is not intended to apply to the disposal of real property, rather it is intended to apply to the disposal of surplus personal property such as equipment for which the City has no further use; and

WHEREAS, the City Council desires make the amendments set forth below to provide more avenues for selling property held by the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANITOU SPRINGS, COLORADO, THAT:

Section 1: Section 3.08.030(B) is hereby amended to read as follows:

All other property to be disposed of by the City shall be sold in a manner determined by the City Administrator to provide the City with the highest reasonable price without unduly burdening City resources. The sale methods may include, without limitation, sealed bids, auctions, or fixed price web or newspaper postings following such procedures as the City Administrator determines appropriate to ensure the fairness of the sale.

Section 2: If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 3: The repeal or modification of any provision of Manitou Springs Municipal Code by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions,

suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

Section 4: This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

Section 5: This ordinance shall take effect five (5) days after final approval and adoption on second reading.

Passed on First Reading and Ordered Published this 5th day of February 2013.

/s/ Donna Kast
City Clerk

A Public Hearing will be held at the February 19, 2013 City Council meeting. The Council Meeting will be held at 7:00 P.M. at City Hall, 606 Manitou Avenue, Manitou Springs, Colorado.

Ordinance Published February 7, 2013 (in full)

City's Official Website and City Hall

Passed on Second Reading and Ordered Published this 19th day of February 2013.

Approved: /s/ Marc A. Snyder
Mayor and City Council

Attest: /s/ Donna Kast
City Clerk

Published February 21, 2013 (in full)

City's Official Website and City Hall