

ORDINANCE NO. 1653

AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT ENACTED PURSUANT TO THE PROVISIONS OF WEST VIRGINIA CODE §8-1-5a MUNICIPAL HOME RULE PILOT PROGRAM, AND THE CITY OF FAIRMONT'S HOME RULE PLAN APPROVED OCTOBER 6, 2014, TO PROVIDE RELIEF FROM THE NOTICE AND PUBLIC AUCTION REQUIREMENTS OF WEST VIRGINIA CODE §8-12-18(b) RELATIVE TO THE SALE OF REAL PROPERTY BELONGING TO THE CITY OF FAIRMONT WHEN THE VALUE OF THE PARCEL TO BE SOLD IS LESS THAN \$15,000.00.

WHEREAS, in 2013, the West Virginia Legislature expanded the Municipal Home Rule Pilot Program created pursuant to the provisions of West Virginia Code §8-1-5a, "the Home Rule Statute" to allow participation by additional municipalities;

WHEREAS, the City of Fairmont submitted its Home Rule Plan, "the City's Home Rule Plan" to the Home Rule Board, which plan was approved by the Board on October 6, 2014;

WHEREAS, many of the City of Fairmont's existing neighborhoods were laid out and developed prior to the City of Fairmont's subdivision regulations and contain non-conforming and substandard lots, fragments of lots, and parts of lots, some of which have been subject to further subdivision over the years, and in many cases, these substandard lots contain blighted, vacant and dilapidated structures;

WHEREAS, the City of Fairmont has undertaken to remove and provide for the removal of blight and dilapidated structures in the City, through a series efforts, including acquisition and demolition by the City in some instances; however, the City's efforts have increased the number of unimproved substandard lots and will continue to increase the number of such lots into the foreseeable future;

WHEREAS, the notice and public auction requirements of West Virginia Code §8-12-18(b) stands as an impediment to the City's ability to dispose of these substandard lots inasmuch as the value of any one of such lots may be in excess of \$1,000, but the value does not exceed the cost of sale;

WHEREAS, the market for such substandard lots is virtually non-existent;

WHEREAS, West Virginia Code §8-11-3(6) and 2.12(6) of the City Charter, which require that any sale or conveyance of City owned real estate must be authorized by Council by ordinance, will continue to provide adequate public notice of any such sale; and

WHEREAS, this ordinance is adopted pursuant to the authority of the Home Rule Statute and in furtherance of the City's Home Rule Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FAIRMONT THAT:

Pursuant to power and authority granted the City of Fairmont by the provisions of West Virginia Code §8-1-5a, and the City of Fairmont's Home Rule Plan, which plan was approved by the Home Rule Board on October 6, 2014, Part One Administrative Code, Article 113 Purchasing and Disposition of Property, Section .03 Disposal of Surplus and Obsolete Property be and is hereby amended and supplemented as follows: (Matter to be deleted bracketed; New matter double underlined)

PART ONE ADMINISTRATIVE CODE

ARTICLE 113 PURCHASING & DISPOSITION OF PROPERTY

SECTION.03 DISPOSAL OF SURPLUS AND OBSOLETE PROPERTY

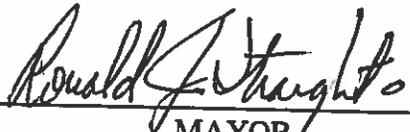
Subsection (a) Personal Property: All materials, supplies and equipment deemed by the City Manager to be surplus or obsolete shall be disposed of at his direction by the Administrative Assistant of Purchasing in accordance with the provisions of West Virginia Code §8-12-18. The City Manager shall promulgate written rules and guidelines which set forth the manner and methods by which the City shall dispose of any item of material, supply or equipment which a value of less than one thousand dollars (\$1000.00) and the manner and method by which the City shall trade equipment, supplies and materials for new or other equipment, supplies and material.

Subsection (b) Real Property: The City is hereby authorized and empowered to sell any of its real property or any interest therein or any part thereof in accordance with the provisions of West Virginia Code 8-12-18; provided however that the requirements of notice and public auction shall not apply to the sale of any one parcel of real property of the City of less value than fifteen thousand dollars (\$15,000). The City Manager shall promulgate written rules and guidelines which set forth the manner and methods by which the City shall sell any one (1) such parcel of real estate. Nothing herein shall be construed to circumvent the requirements of West Virginia Code §8-11-3(6) and §2.12(6) of the City Charter, which require that any sale or conveyance of City owned real estate must be authorized by Council by ordinance.

Subsection (c): Severability: If any section, subsection, sentence, clause, or phrase of this ordinance shall be declared invalid or shall be rendered inoperable for any reason whatsoever, such invalidity or inoperability shall not affect the remaining portions of this ordinance which shall continue in full force and effect, and to this end the provisions of this ordinance are hereby declared to be severable.

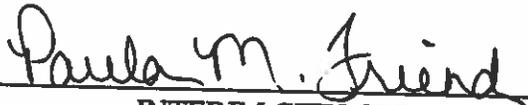
This ordinance shall become effective thirty (30) days after adoption.

Adopted this the 8th day of September, 2015.



MAYOR

ATTEST:



INTERIM CITY CLERK

WE, the undersigned officials of the City of Fairmont, West Virginia, do hereby certify that Ordinance No. 1653:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT ENACTED PURSUANT TO THE PROVISIONS OF WEST VIRGINIA CODE §8-1-5a MUNICIPAL HOME RULE PILOT PROGRAM, AND THE CITY OF FAIRMONT'S HOME RULE PLAN APPROVED OCTOBER 6, 2014, TO PROVIDE RELIEF FROM THE NOTICE AND PUBLIC AUCTION REQUIREMENTS OF WEST VIRGINIA CODE §8-12-18(b) RELATIVE TO THE SALE OF REAL PROPERTY BELONGING TO THE CITY OF FAIRMONT WHEN THE VALUE OF THE PARCEL TO BE SOLD IS LESS THAN \$15,000.00

was introduced and publicly read in its entirety at the Regular Meeting of Council held August 25, 2015 and was published in the Times-West Virginian on August 31, 2015, pursuant to Charter provisions Section 2.13(d); a public hearing was held on September 8, 2015. There being no request that the proposed Ordinance be read in its entirety for a second time, the Clerk read the title only and copies were available to the public as required by Ordinance No. 499. The Ordinance was duly adopted pursuant to the Charter of the City of Fairmont and West Virginia Code; signed by the undersigned officials and filed in the office of the City Clerk.

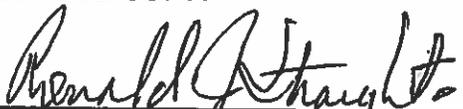
Adopted by Council of the City of Fairmont, West Virginia, this the 8th day of September, 2015.

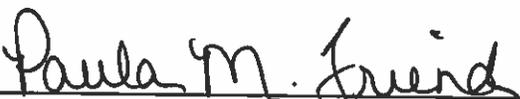

MAYOR

ATTEST:


INTERIM CITY CLERK

A TRUE COPY:


MAYOR, CITY OF FAIRMONT, WEST VIRGINIA


CLERK, CITY OF FAIRMONT, WEST VIRGINIA

APPROVED AS TO FORM:


ATTORNEY, CITY OF FAIRMONT, WEST VIRGINIA