



ORDINANCE NO. 8, SERIES 2019

ORDINANCE AMENDING SECTION 3-5-1
DISPOSAL OF SURPLUS VILLAGE PROPERTY

The Village Board of the Village of Prairie du Sac, located in Sauk County, Wisconsin, do ordain as follows:

SECTION ONE: Amend Section 3-5-1 of the Code of Ordinances of the Village of Prairie du Sac by striking and adding language as follows:

SEC. 3-5-1 DISPOSAL OF SURPLUS VILLAGE PROPERTY.

(a) DEFINITIONS.

- (1) "Surplus Village Property" is that property which is owned by the Village of Prairie du Sac, Wisconsin, which has no further usefulness to the Village of Prairie du Sac, and which is determined ~~by the Village Board~~ as being surplus pursuant to (b) below. An item of property shall be considered to have no further usefulness when:
- a. The item or its function has been totally replaced by other Village property and no probable future function exists for it; or
 - b. 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
 - c. the item is no longer able to reliably or economically perform the work required of it.
- (2) Surplus property as defined in this Chapter shall not include land or buildings but shall include equipment, fixtures and such salvage items 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.

(b) DETERMINATION OF SURPLUS VILLAGE PROPERTY. Department heads shall make determination of surplus property pursuant to (a) above, except items having a present fair market value of \$10,000 or more shall not be disposed of without The Village Board approval unless they have been; shall have the sole right to determine what Village property is surplus for purposes of this Section 3-5-1, subject to the standards enumerated herein.

- (1) Scheduled for replacement and approved as part of the budget process.
(2) Been damaged and declared a total loss by the Village's insurance company.

(c) DISPOSITION OF SURPLUS VILLAGE PROPERTY.

- (1) Whenever ~~the Village Board determines that~~ an item of property is determined to be surplus Village property, ~~it may dispose of such property in such manner as it determines, or follow the procedure set forth in (c)(2) below.~~
- (2) ~~Whenever the Village Board has determined, pursuant to the previous subsection, that an item of property is surplus Village property,~~ the department head responsible for the items shall dispose of the property by one of the following means:
- a. Reallocation from one Village department to another.

- b. Donation to a nonprofit organization within the Sauk Prairie School District or to a governmental agency.
- c. Sale through means of sealed bid or public auction. On-line auctions open to the public are considered public auctions for this section.
- d. Trade-in against replacement equipment.
- e. Sale as scrap for salvage value.
- a.f. Discard as refuse or trash if the fair market value is less than \$1,000.

- a.- ~~Donation to a nonprofit organization within the Village or to a governmental agency; or~~
- b. ~~Public auction; or~~
- e. ~~Sale by sealed bid.~~
- d. ~~Destruction if the fair market value thereof is less than \$1,000.00; or~~
- e. ~~Use as a trade-in item for new or replacement Village property.~~

(32) ~~In the event of a public auction or sale by sealed bid under (c)(2)b or c above, the item will be sold in "as is condition" to the person submitting the highest responsible bid; provided however, that a lower bid submitted by a nonprofit organization or governmental agency may be accepted by the Village Board. Upon convenience of the surplus property, the department head responsible for the item shall determine the time in which the successful bidder item must be removed from Village property the item. In the event the item is not removed within that time, the sale or convenience is deemed rescinded; and any funds paid shall be forfeited to the Village. In the event no bids are received, the item shall be disposed of as further directed by the Village Board determined by the department head. In the any event means of a disposition under (c)(21)a or e above, the item will be conveyed in an "as is" condition.~~

(4) ~~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.~~

(53) ~~The Village Board reserves the right to waive any procedural irregularities with respect to the notice, bidding and auction process, whenever the Village Board Village Administrator determines that the best interests of the Village will be served thereby. The Village Board may reject any or all bids, may direct a rebid, and may elect to not dispose of the property in question, whenever the Village Board Village Administrator determines that the best interests of the Village will be served thereby.~~

(d) 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.

(e) AUTHORITY TO DISPOSE OF PROPERTY.

(1) Except for library materials used by the public library for lending purposes, only the Village Board has the authority to dispose of Village property which is not surplus Village property.

(2) Whenever this Section provides for an auction or other disposition of any property, the Village Board Village Administrator 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.

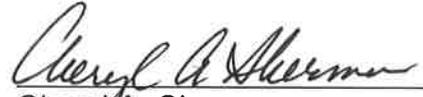
(3) No Village property may be sold privately by any Village employee. No Village property may be sold directly to any Village employee unless done so through a public auction.

SECTION TWO: This ordinance shall become effective following the date of its enactment and publication in the manner provided for by law.

Adopted this 26th day of November, 2019.
Published this 5th day of December, 2019.

Village of Prairie du Sac, WI




Cheryl A. Sherman
Village President


Niki Conway
Village Clerk

