

Town of Nutter Fort
Ordinance 2021-04

AN ORDINANCE PROVIDING THE TOWN OF NUTTER FORT RELIEF FROM THE NOTICE AND PUBLIC AUCTION REQUIREMENTS OF WEST VIRGINIA CODE 8-12-18(b) RELATIVE TO THE SALE OF PROPERTY, REAL OR PERSONAL, BELONGING TO THE TOWN OF NUTTER FORT WHEN THE VALUE OF THE PROPERTY TO BE SOLD IS LESS THAN \$10,000.00

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

WHEREAS, the Town of Nutter Fort submitted its Home Rule Plan, “the Town’s Home Rule Plan” to the Home Rule Board, which plan was approved by the Board on January 15, 2020, authorizing the Town to sell property, real or personal, valued at less than \$10,000.00 without going thru the auction process.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF NUTTER FORT THAT:

ADMINISTRATIVE CODE

ARTICLE ___ SALE OF REAL PROPERTY, PERSONAL PROPERTY & EQUIPMENT

Section ___ (a) Notwithstanding any provision of West Virginia Law to the contrary, and in accordance with authority granted pursuant to Nutter Fort’s Home Rule Plan, the Town is hereby authorized and empowered to sell any of its real property, personal property, or equipment or any interest therein or any part thereof in accordance with the provisions of West Virginia Law; provided however that the requirements of notice and public auction shall not apply to the sale of any such property or equipment valued at less than ten thousand dollars (\$10,000).

(b) The Town shall establish procedures for establishing the value of real property, personal property and equipment being sold.

(c) Nothing herein shall be construed to circumvent the requirements of West Virginia Code §8-11-3(6), which require that any sale or conveyance of Town owned real estate must be authorized by Council by ordinance.

(d) 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 be effective upon passage. Passed by Council of the Town of Nutter Fort on FIRST READING on this ____ day of _____, 2021.

Passed by Council of the Town of Nutter Fort on SECOND READING on this ____ day of _____, 2021.

MAYOR

ATTEST:

TOWN RECORDER