

DATE: August 30, 2005 1ST READING: September 6, 2005
INTRODUCED: Mayor Gillock 2ND READING: Suspended
REFERRED TO: _____ 3RD READING: Suspended
TEMPORARY NO: T 109-2005 ADOPTED: September 6, 2005

ORDINANCE NO. 4177 - 2005

**AN ORDINANCE ESTABLISHING THE PROCEDURES
FOR SELLING PERSONAL PROPERTY OWNED BY THE
CITY BY INTERNET AUCTION.**

WHEREAS, both North Ridgeville City Council and the City Administration desire to sell certain City owned items by Internet auction using eBay[®] (or other similar bidding site as long as notice is given) in order to maximize the return to the City; and

WHEREAS, O.R.C. § 721.15(D) allows the City to use an Internet auction and outlines the procedures for doing so.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:

SECTION 1. This Ordinance shall be a continuing piece of legislation, automatically renewing annually unless Council specifically votes to terminate its effectiveness.

SECTION 2. On a date immediately after the effective date of this Ordinance, the Clerk of Council shall cause a copy of this Ordinance to be published in a newspaper of general circulation giving notice of the City's intention to sell via Internet auction (i.e., eBay[®]). Further, a second publication shall take place not less than ten (10) nor more than twenty (20) days after the first notice. The Clerk of Council shall cause the same two notices to be published on or around the same dates on an annual basis thereafter. Both annual notices shall serve as notice to the public that the City may list a variety of items throughout the year and updated lists are available as outlined in Section 3.

SECTION 3. A copy of this Ordinance and each new updated list of item(s) the City intends to sell shall be continually and timely posted in a conspicuous place in the office of the City Auditor, in the office of the Council, and on the City-maintained website.

SECTION 4. Items up for Internet auction by the City of North Ridgeville shall be advertised under the seller i.d. of northridgevillecity.

SECTION 5. The Safety Service Director or his/her designee shall be available by appointment at 440-353-0812 for any consumer-requested inspections related to said public sale.

SECTION 6. Any list or inventory of items to be sold shall be posted as required in Section 3 above and shall become incorporated into this legislation as if fully rewritten herein and are thereby incorporated by reference.

SECTION 7. The City shall conduct the Internet auction via eBay® (or other similar bidding site as long as notice is given) using the parameters provided by the auction site. Minimum price or reserve may be set, but is not required by law.

SECTION 8. Bidding shall continue for no less than fifteen (15) days, including Saturday and Sunday and legal holidays, and shall be set for each item as noted on the Internet auction site.

SECTION 9. All terms and conditions of sale, including but not limited to pick-up and delivery, method of payment, sales taxes, complete descriptions and/or pictures of the items, shall be specified for each item on the Internet at the time of the auction.

SECTION 10. The equipment, motor vehicles, road machinery, tools or supplies offered by the City for Internet auction is not needed for public use or is obsolete or is unfit for use.

SECTION 11. The highest bidder upon the close of the open bidding period will be deemed to be the successful bidder at the Internet auction. Upon the close of the auction, the City shall remit an invoice to the successful bidder for the amount of the bid. The successful bidder shall remit the entire payment within (10) days of receipt of the invoice. Acceptable forms of payment include cashier's check, certified check, or money order. Other payment arrangements may be made by the City where circumstances warrant. Payment options such as on-line payment system and PayPal® or similar services are acceptable payment options. Notwithstanding the foregoing, all payment options are subject to the approval of the City Auditor.

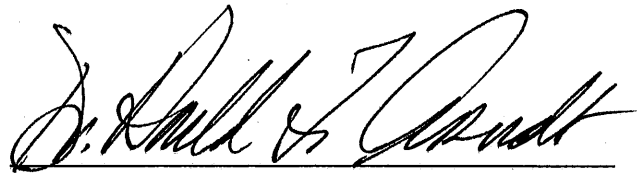
SECTION 12. All communication with the successful buyer shall occur in writing. Arrange-meats and costs associated with delivery of the subject vehicle to the successful bidder shall be the sole responsibility of the purchaser. Risk of loss will be transferred to the successful bidder upon the tendering of the goods to the shipping company chosen by the purchaser.

SECTION 13. All items shall be sold without warranty in "AS IS" condition. All advertisements, listings, and notices shall be subject to the following language: THE CITY OF NORTH RIDGEVILLE, ITS OFFICERS, EMPLOYERS, AND AGENTS OFFER THIS ITEM FOR SALE "AS IS" WITHOUT ANY WARRANTY OR CONDITION, EXPRESS, IMPLIED, OR STATUTORY. THE CITY OF NORTH RIDGEVILLE, ITS OFFICERS, EMPLOYERS, AND AGENTS, SPECIFICALLY DISCLAIM ANY IMPLIED WARRANTIES OF TITLE, MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, AND NON-INFRINGEMENT.

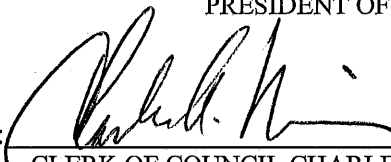
SECTION 14. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 15 This Ordinance shall take effect and be in full force from and after the earliest period allowed by law.

PASSED: September 6, 2005


PRESIDENT OF COUNCIL DR. RONALD F. ARNDT

ATTEST:


CLERK OF COUNCIL CHARLES A. NORRIS

APPROVED: 9-8-05


MAYOR G. DAVID GILLOCK