

THE CORPORATION OF THE TOWN OF FORT SMITH

BY-LAW 412

A BY-LAW OF THE CORPORATION OF THE TOWN OF FORT SMITH, IN THE NORTHWEST TERRITORIES, TO PROVIDE FOR THE ACQUISITION, HOLDING, AND DISPOSAL OF REAL AND PERSONAL PROPERTY BY THE MUNICIPAL CORPORATION, PASSED PURSUANT TO SECTION 132 OF THE CITIES, TOWNS AND VILLAGES ACT, BEING CHAPTER 14, 1987 (1ST), OF THE REVISED STATUTES OF THE NORTHWEST TERRITORIES 1974.

WHEREAS, no property may be acquired by or disposed of by the municipal corporation except in accordance with a procedural by-law,

NOW, THEREFORE, THE COUNCIL OF THE TOWN OF FORT SMITH, in a meeting duly assembled, enacts as follows:

SHORT TITLE

1. This by-law may be cited as the "Property By-law".

INTERPRETATION

2. In this by-law,
 - (a) "budget" means the budget adopted for the current fiscal year;
 - (b) "Council" means the Council of the Town;
 - (c) "Town" means the Town of Fort Smith in the Northwest Territories; and
 - (d) "SAO" means the Senior Administrative Officer of the Town.

ACQUISITION

3. The acquisition of real property by the Town shall be done by by-law, setting out
 - (a) the name of the vendor,
 - (b) the legal description of the real property,
 - (c) the total price to be paid for the real property, and
 - (d) the source of funds for the acquisition.

4. Subject to section 5, the acquisition of personal property by the Town pursuant to the budget
 - (a) may be authorized by the SAO for items costing not more than \$2,500.00 and
 - (b) for items costing more than \$2,500.00 must be authorized by resolution of Council.
5. The renting or leasing of personal property for Town purposes for a period extending beyond the end of the current fiscal year must be authorized by resolution of Council.

6. Holding


Real and personal property belonging to the Town shall not be used, lent, rented out or disposed of other than in accordance with this by-law.

7. Personal property belonging to the Town may be used, lent or rented out in the manner and at the rates set out in the Use of Municipal Property and Equipment Schedule, maintained by the SAO in accordance with the instructions of Council.

DISPOSAL

8. The disposal of real property belonging to the Town shall be done by by-law, setting out
 - (a) the name of the purchaser,
 - (b) the legal description of the real property, and
 - (c) the total price to be paid for the real property.
9. Personal property belonging to the Town shall not be disposed of except in accordance with the procedures set out in Schedule 1, attached to and forming part of this by-law.

READ A FIRST TIME THIS 19 DAY OF June , 1990 A.D.
READ A SECOND TIME THIS 19 DAY OF June , 1990 A.D.
READ A THIRD TIME THIS 19 DAY OF June , 1990 A.D.



MAYOR



SENIOR ADMINISTRATIVE OFFICER

TOWN OF FORT SMITH, N.W.T.

BY-LAW 412

Schedule 1

1. (1) Where Council determines that an item or items of personal property belonging to the Town shall be disposed of, the item(s) shall be offered for sale by sealed bids.

(2) Notice of the intended disposal of the item(s) shall be posted in at least five prominent locations in the municipality for at least two weeks before the closing of the bids.

(3) The notice referred to in subsection (2) shall include:
 - (a) a description of the item(s) to be disposed of, including make, model, serial number, year of manufacture and any special features,
 - (b) at what times and dates and at what location (s) the item(s) may be viewed,
 - (c) the place, date and time for the submission of sealed bids,
 - (d) the place, date and time for the public opening of bids,
 - (e) notice that the condition of the item is "as is, where is", unless otherwise authorized by Resolution of Council,
 - (f) notice regarding the required removal of any item(s) within a specified time,
 - (g) notice that Council may not necessarily accept the highest or any bid,
 - (h) notice that a bidder may bid on any or all of the items offered for sale,
 - (i) notice that every sealed bid must contain a deposit of not less than 10% of the amount of the bid,
 - (j) notice that deposits and payments for items purchased must be by cash or by certified cheque or money order payable to the "Town of Fort Smith".

2. (1) At the appointed time, or at such later time as Council may determine and give public notice of, the sealed bids shall be opened at a meeting open to the public.

(2) Where at least two-thirds of the members of Council present so resolve, the bids may be discussed in private, those members who have declared an interest being required to leave the council chamber.

(3) Council shall make its decision as soon as practicable and announce the results in open meeting.

(4) Within twenty-four hours of the announcement of the results, the SAO shall, as far as possible, return the deposits of the unsuccessful bidders.