

## CHAPTER 5

**MUNICIPAL PROPERTY CONTROL AND USE**

## SECTION:

- 7-5-1: Officials and Employees; Guidelines
- 7-5-2: Unlawful Use
- 7-5-3: Repair After Unlawful Use
- 7-5-4: Franchise; Easement
- 7-5-5: Acts Exempted

7-5-1: **OFFICIALS AND EMPLOYEES; GUIDELINES:**

- A. Policy: The City Council adopts the following guidelines to be followed by all City employees or elected officials for the use of City-owned or leased equipment under their control or direction:
  1. City equipment and/or vehicles are to be used only for City purposes and for the benefit of the citizens at large. Equipment is prohibited from being used to benefit an individual citizen on his private property to alter, improve or change the appearance of said property.
  2. City employees will not make available either their time or equipment for the benefit of a private citizen, except during the times identified by the City Council as a general City-wide cleanup effort. These campaigns will be conducted as determined by the City Council.
  3. Nothing in this Section shall be construed to prevent the use of City equipment or City employees from using equipment of labor when, in the opinion of the Public Works Director, Mayor, Councilmember or employee at the scene, it is determined that the use of the equipment or labor is necessary to preserve life, prevent bodily injury or protect property from substantial physical damage.
- B. Violation: Persons in violation of this Section will be subject to disciplinary action as determined by the appropriate supervisory personnel. (Res. 1992-5, 9-22-1992)

7-5-2:       **UNLAWFUL USE:** Unless authorized by permit or other written authorization issued by the City or unless authority is granted by provisions of this Code or other ordinance of the City now or hereafter enacted, it shall be a Class B misdemeanor and subject to penalty as provided in Section 1-4-1 of this Code for any person to:

- A.     Property Controlled by City: Construct, lay, excavate, erect, operate or maintain over, under, across, in or through any property owned or controlled by the City, any utility, canal, ditch, construction or building.
- B.     Restricted Areas: Enter upon any property of the City contrary to any posting or marking restricting or prohibiting use of the area.
- C.     Damage to Property: Intentionally use or perform acts upon property of the City which materially impairs, alters, or damages the property. (1977 Code § 8-111)

7-5-3:       **REPAIR AFTER UNLAWFUL USE:** The City Council, in addition to any other penalty which may be imposed, may order any person who has damaged, altered or changed any property of the City to repair or restore the property to its original condition prior to the damage, alteration or change. (1977 Code § 8-112)

7-5-4:       **FRANCHISE; EASEMENT:**

- A.     Provisions: The City Council may grant to any person a franchise or easement on such terms and conditions as it deems reasonable, for the purpose of entering upon, constructing, building, operating and maintaining any business or for other use of the property of the City and the provisions of Sections 7-5-2 and 7-5-3 of this Chapter shall not apply to the extent such provisions are waived, qualified or made inapplicable to the rights or privileges granted in the franchise ordinance or easement.
- B.     In Writing: Any franchise or easement granted by the City shall be in writing and any franchise or easement not in writing shall be void. (1977 Code § 8-113)

7-5-5:       **ACTS EXEMPTED:** It shall not be a violation of this Chapter where any person uses the public property of the City in the manner or for the purpose for which such property has been made available for public use. (1977 Code § 8-114)