

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1743 Session of
1977

INTRODUCED BY S. E. HAYES JR., RUGGIERO, WEIDNER, LIVENGOD,
ARTHURS, LEVI, ZELLER, BRANDT, A. C. FOSTER JR., MACKOWSKI,
GARZIA AND SCHEAFFER, OCTOBER 12, 1977

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, OCTOBER 12, 1977

AN ACT

1 Amending the act of February 1, 1966 (1965, P.L.1656, No.581),
2 entitled, "An act concerning boroughs, and revising, amending
3 and consolidating the law relating to boroughs," authorizing
4 boroughs to sell borough owned land to nonprofit medical
5 corporations.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Clause (4) of section 1201, act of February 1,
9 1966 (1965, P.L.1656, No.581), known as "The Borough Code,"
10 amended October 25, 1973 (P.L.308, No.96) and December 30, 1974
11 (P.L.1033, No.336), is amended to read:

12 Section 1201. General Powers.--A borough may:

13 * * *

14 (4) Purchase, acquire by gift, or otherwise, hold, lease,
15 let and convey, by sale or lease, such real and personal
16 property as shall be deemed to be to the best interest of the
17 borough: Provided, That no real estate owned by the borough
18 shall be sold for a consideration in excess of fifteen hundred
19 dollars (\$1500), except to the highest bidder after due notice

1 by advertisement for bids in one newspaper of general
2 circulation in the borough. Such advertisement shall be
3 published once not less than ten days prior to the date fixed
4 for the opening of bids, and such date for opening bids shall be
5 announced in such advertisement. The acceptance of bids shall be
6 made only by public announcement at a regular or special meeting
7 of council. All bids shall be accepted on the condition that
8 payment of the purchase price in full shall be made within sixty
9 days of the acceptance of bids. Real estate owned by a borough
10 may be sold at a consideration of fifteen hundred dollars
11 (\$1500) or less without advertisement or competitive bidding
12 only after council estimates the value thereof upon receipt of
13 an appraisal by a qualified real estate appraiser.

14 Except as otherwise hereinafter provided in the case of
15 personal property of an estimated sale value of less than two
16 hundred dollars (\$200), no borough personal property shall be
17 disposed of, by sale or otherwise, except upon approval of
18 council, by ordinance or resolution. In cases where council
19 shall approve a sale of such property, it shall estimate the
20 sale value of the entire lot to be disposed of. If council shall
21 estimate the sale value to be two hundred dollars (\$200) or
22 more, the entire lot shall be advertised for sale once, in at
23 least one newspaper of general circulation in the borough, not
24 less than ten days prior to the date fixed for the opening of
25 bids, and such date of opening of bids shall be announced in
26 such advertisement, and sale of the property so advertised shall
27 be made to the best responsible bidder. Council shall have
28 authority, by resolution, to adopt a procedure for the sale of
29 surplus personal property of an estimated sale value of less
30 than two hundred dollars (\$200) and the approval of council

1 shall not be required for any individual sale that shall be made
2 in conformity to such procedure.

3 The provisions of this clause shall not be mandatory where
4 borough property is to be traded in or exchanged for new borough
5 property.

6 The provisions of this clause requiring advertising for bids
7 and sale to the highest bidder shall not apply where borough
8 real or personal property is to be sold to a county, city,
9 borough, town, township, institution district, school district,
10 or municipal authority pursuant to the Municipality Authorities
11 Act of 1945, is to be sold to a non-profit corporation engaged
12 in community industrial development or where real property is to
13 be sold to a person for his exclusive use in an industrial
14 development program or where real property is to be sold to a
15 non-profit corporation organized as a public library for its
16 exclusive use as a library, or where real property is to be sold
17 to a non-profit medical service corporation as authorized by
18 clause (76) of section 1202. When real property is to be sold to
19 a non-profit corporation organized as a public library for its
20 exclusive use as a library or to an non-profit medical service
21 corporation, council may elect to accept such nominal
22 consideration for such sale as it shall deem appropriate.

23 * * *

24 Section 2. Section 1202 of the act is amended by adding a
25 clause to read:

26 Section 1202. Specific Powers.--The powers of the borough
27 shall be vested in the corporate authorities. Among the specific
28 powers of the borough shall be the following, and in the
29 exercise of any of such powers involving the enactment of any
30 ordinance or the making of any regulation, restriction or

1 prohibition, the borough may provide for the enforcement thereof
2 and may prescribe penalties for the violation thereof or for the
3 failure to conform thereto:

4 * * *

5 (76) Sale of real property to non-profit medical service
6 corporation. To sell borough-owned real property to a non-profit
7 medical service corporation for its exclusive use as a site for
8 a medical service facility.

9 Section 3. This act shall take effect in 60 days.