
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1743

Session of
1977

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

SENATOR LEWIS, LOCAL GOVERNMENT, IN SENATE, AS AMENDED,
APRIL 19, 1978

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 and non-profit housing 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

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

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

1 than two hundred dollars (\$200) and the approval of council
2 shall not be required for any individual sale that shall be made
3 in conformity to such procedure.

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

7 The provisions of this clause requiring advertising for bids
8 and sale to the highest bidder shall not apply where borough
9 real or personal property is to be sold to a county, city,
10 borough, town, township, institution district, school district,
11 or municipal authority pursuant to the Municipality Authorities
12 Act of 1945, is to be sold to a non-profit corporation engaged
13 in community industrial development or where real property is to
14 be sold to a person for his exclusive use in an industrial
15 development program or where real property is to be sold to a
16 non-profit corporation organized as a public library for its
17 exclusive use as a library, or where real property is to be sold
18 to a non-profit medical service corporation as authorized by
19 clause (76) of section 1202 or where real property is to be sold
20 to a non-profit housing corporation as authorized by clause (77)
21 of section 1202. When real property is to be sold to a non-
22 profit corporation organized as a public library for its
23 exclusive use as a library or to a non-profit medical service
24 corporation or to a non-profit housing corporation, council may
25 elect to accept such nominal consideration for such sale as it
26 shall deem appropriate. REAL PROPERTY SOLD PURSUANT TO THIS
27 CLAUSE TO A NON-PROFIT MEDICAL SERVICE CORPORATION OR TO A NON-
28 PROFIT HOUSING CORPORATION SHALL BE SUBJECT TO THE CONDITION
29 THAT WHEN THE PROPERTY IS NOT USED FOR THE PURPOSES OF THE
30 CORPORATION THE PROPERTY SHALL REVERT TO THE BOROUGH.

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2 Section 2. Section 1202 of the act is amended by adding
3 clauses to read:

4 Section 1202. Specific Powers.--The powers of the borough
5 shall be vested in the corporate authorities. Among the specific
6 powers of the borough shall be the following, and in the
7 exercise of any of such powers involving the enactment of any
8 ordinance or the making of any regulation, restriction or
9 prohibition, the borough may provide for the enforcement thereof
10 and may prescribe penalties for the violation thereof or for the
11 failure to conform thereto:

12 * * *

13 (76) Sale of real property to non-profit medical service
14 corporation. To sell borough-owned real property to a non-profit
15 medical service corporation for its exclusive use as a site for
16 a medical service facility.

17 (77) Sale of real property to non-profit housing
18 corporation. To sell borough-owned real property to a non-profit
19 housing corporation for its exclusive use for housing for the
20 elderly.

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