THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 34   Session of 1985

INTRODUCED BY BALDWIN, FRYER, A. C. FOSTER, JR., LIVENGOOD,
MACKOWSKI, BROUJOS, SCHEETZ, WOZNIAK, RUDY, GAMBLE, SHOWERS,
DUFFY, DeLUCA, D. W. SNYDER, JAROLIN, NAHILL AND BELFANTI,
JANUARY 23, 1985

SENATOR PECORA, LOCAL GOVERNMENT, IN SENATE, AS AMENDED,
APRIL 30, 1985

AN ACT

1   Amending the act of May 1, 1933 (P.L.103, No.69), entitled "An
2   act concerning townships of the second class; and amending,
3   revising, consolidating, and changing the law relating
4   thereto," further providing for the sale of land to a
5   volunteer fire company, volunteer ambulance service or
6   volunteer rescue squad located within the township. and   <——
7   providing for the sale of land to a redevelopment authority.

8   The General Assembly of the Commonwealth of Pennsylvania

9   hereby enacts as follows:

10   Section 1. Clause II of section 701 of the act of May 1,

11 1933 (P.L.103, No.69), known as The Second Class Township Code,

12 reenacted and amended July 10, 1947 (P.L.1481, No.567) and

13 amended October 28, 1983 (P.L.189, No.49), is amended to read:

14   Section 701. Suits; Property.--Any township of the second

15 class may--

16   * * *

17   II. Purchase, acquire by gift, or otherwise, hold, lease,

18 let and convey, by sale or lease, such real and personal

1 property as shall be deemed to be to the best interest of the

 2 township: Provided, That no real estate owned by the township

 3 shall be sold for a consideration in excess of fifteen hundred

 4 dollars, except to the highest bidder after due notice by

 5 advertisement for bids in one newspaper of general circulation

 6 in the township. Such advertisement shall be published once not

 7 less than ten days prior to the date fixed for the opening of

 8 bids, and such date for opening bids shall be announced in such

 9 advertisement. The acceptance of bids shall be made only by

10 public announcement at a regular or special meeting of the board

11 of township supervisors. All bids shall be accepted on the

12 condition that payment of the purchase price in full shall be

13 made within sixty days of the acceptance of bids.

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, no township personal property shall be disposed

17 of, by sale or otherwise, except upon approval of the board of

18 township supervisors, by ordinance or resolution. In cases where

19 the board of township supervisors shall approve a sale of such

20 property, it shall estimate the sale value of the entire lot to

21 be disposed of. If the board of township supervisors shall

22 estimate the sale value to be two hundred dollars or more, the

23 entire lot shall be advertised for sale once, in at least one

24 newspaper of general circulation in the township, not less than

25 ten days prior to the date fixed for the opening of bids or

26 public auction, and such date of opening of bids or public

27 auction shall be announced in such advertisement, and sale of

28 the property so advertised shall be made to the best responsible

29 bidder. The board of township supervisors shall have authority,

30 by resolution, to adopt a procedure for the sale of surplus

1 personal property of an estimated sale value of less than two

2 hundred dollars and the approval of the board of township

3 supervisors shall not be required for any individual sale that

4 shall be made in conformity to such procedure.

5   The provisions of this clause shall not be mandatory where

6 township property is to be traded in or exchanged for new

7 township property.

8   The provisions of this clause shall not prohibit the sale or

9 exchange of township property to public utilities.

10   The provisions of this clause requiring advertising for bids

11 and sale to the highest bidder shall not apply where township

12 real or personal property is to be sold to a county, city,

13 borough, town, township, institution district, school district,

14 volunteer fire company, volunteer ambulance service or volunteer

15 rescue squad located within the township, or municipal authority

16 pursuant to the Municipality Authorities Act of 1945, or to a

17 nonprofit corporation engaged in community industrial

18 development or where real property is to be sold to a person for

19 his exclusive use in an industrial development program, or where   <—

20 real property is to be sold to a redevelopment authority created

21 pursuant to the act of May 24, 1945 (P.L.991, No.385), known as

22 the "Urban Redevelopment Law," or where real property is to be

23 sold to a nonprofit corporation organized as a public library

24 for its exclusive use as a library, or where real property is to

25 be sold to a nonprofit medical service corporation as authorized

26 by clause LXXI of section 702 or where real property is to be

27 sold to a nonprofit housing corporation as authorized by clause

28 LXXII of section 702. When real property is to be sold to a

29 nonprofit corporation organized as a public library for its

30 exclusive use as a library or to a nonprofit medical service

1 corporation or to a nonprofit housing corporation the board of

2 township supervisors may elect to accept such nominal

3 consideration for such sale as it shall deem appropriate. Real

4 property sold pursuant to this clause to a <u>volunteer fire</u>

5 <u>company, volunteer ambulance service or volunteer rescue squad,</u>

6 nonprofit medical service corporation or to a nonprofit housing

7 corporation shall be subject to the condition that when the

8 property is not used for the purposes of the <u>company, service,</u>

9 <u>squad or</u> corporation the property shall revert to the township.

10   Any officer who sells and each officer who votes in favor of

11 selling any township property, either real or personal, without

12 the provisions of this section having been complied with, shall

13 be subject to surcharge in the amount of any loss sustained by

14 the township by reason of such sale.

15   * * *

16   Section 2. This act shall take effect immediately.