

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**  
**No. 2113** Session of  
1989

INTRODUCED BY McVERRY, CESSAR, BURD, GANNON, GEIST, ROBBINS,  
KUKOVICH, DORR, NOYE, DISTLER, CORNELL, BILLOW, COLAIZZO,  
OLASZ, COLAFELLA, BATTISTO, TRELLO, FARGO, E. Z. TAYLOR,  
GIGLIOTTI, NAHILL, ADOLPH, JOHNSON, SAURMAN, WOGAN AND REBER,  
NOVEMBER 15, 1989

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, NOVEMBER 15, 1989

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 disposal of personal  
5 property.

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

8 Section 1. Clause II of section 701 of the act of May 1,  
9 1933 (P.L.103, No.69), known as The Second Class Township Code,  
10 reenacted and amended July 10, 1947 (P.L.1481, No.567) and  
11 amended June 24, 1985 (P.L.60, No.23), is amended to read:

12 Section 701. Suits; Property.--Any township of the second  
13 class may--

14 \* \* \*

15 II. Purchase, acquire by gift, or otherwise, hold, lease,  
16 let and convey, by sale or lease, such real and personal  
17 property as shall be deemed to be to the best interest of the  
18 township: Provided, That no real estate owned by the township

1 shall be sold for a consideration in excess of fifteen hundred  
2 dollars, except to the highest bidder after due notice by  
3 advertisement for bids in one newspaper of general circulation  
4 in the township. Such advertisement shall be published once not  
5 less than ten days prior to the date fixed for the opening of  
6 bids, and such date for opening bids shall be announced in such  
7 advertisement. The acceptance of bids shall be made only by  
8 public announcement at a regular or special meeting of the board  
9 of township supervisors. All bids shall be accepted on the  
10 condition that payment of the purchase price in full shall be  
11 made within sixty days of the acceptance of bids.

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

1 hundred dollars] one thousand dollars and the approval of the  
2 board of township supervisors shall not be required for any  
3 individual sale that shall be made in conformity to such  
4 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 nonprofit corporation organized  
21 as a public library for its exclusive use as a library, or where  
22 real property is to be sold to a nonprofit medical service  
23 corporation as authorized by clause LXXI of section 702 or where  
24 real property is to be sold to a nonprofit housing corporation  
25 as authorized by clause LXXII of section 702. When real property  
26 is to be sold to a nonprofit corporation organized as a public  
27 library for its exclusive use as a library or to a nonprofit  
28 medical service corporation or to a nonprofit housing  
29 corporation the board of township supervisors may elect to  
30 accept such nominal consideration for such sale as it shall deem

1 appropriate. Real property sold pursuant to this clause to a  
2 volunteer fire company, volunteer ambulance service or volunteer  
3 rescue squad, nonprofit medical service corporation or to a  
4 nonprofit housing corporation shall be subject to the condition  
5 that when the property is not used for the purposes of the  
6 company, service, squad or corporation the property shall revert  
7 to the township.

8 Any officer who sells and each officer who votes in favor of  
9 selling any township property, either real or personal, without  
10 the provisions of this section having been complied with, shall  
11 be subject to surcharge in the amount of any loss sustained by  
12 the township by reason of such sale.

13 \* \* \*

14 Section 2. This act shall take effect in 60 days.