

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2311 Session of
1990

INTRODUCED BY GALLEN, MARCH 12, 1990

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, MARCH 12, 1990

AN ACT

1 Amending the act of June 24, 1931 (P.L.1206, No.331), entitled
2 "An act concerning townships of the first class; 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. Section 1501 of the act of June 24, 1931
9 (P.L.1206, No.331), known as The First Class Township Code,
10 reenacted and amended May 27, 1949 (P.L.1955, No.569) and
11 amended December 14, 1989 (P.L.624, No.72), is amended to read:

12 Section 1501. Suits; Property.--Townships of the first class
13 may--

14 I. Sue and be sued.

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
19 shall be sold for a consideration in excess of one thousand five

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

13 The board of township commissioners shall have the authority
14 to reject all bids if such bids are deemed to be less than the
15 fair market value of the real property. In the case of a public
16 auction, the board of township commissioners may establish a
17 minimum bid based on the fair market value of the real property.

18 Except as otherwise hereinafter provided in the case of
19 personal property of an estimated sale value of less than [two
20 hundred dollars] five hundred dollars, no township personal
21 property shall be disposed of, by sale or otherwise, except upon
22 approval of the board of township commissioners, by ordinance or
23 resolution. In cases where the board of township commissioners
24 shall approve a sale of such property, it shall estimate the
25 sale value of the entire lot to be disposed of. If the board of
26 township commissioners shall estimate the sale value to be [two
27 hundred dollars] five hundred dollars or more, the entire lot
28 shall be advertised for sale once, in at least one newspaper of
29 general circulation in the township, not less than ten days
30 prior to the date fixed for the opening of bids or public

1 auction, and such date of opening of bids or public auction
2 shall be announced in such advertisement, and sale of the
3 property so advertised shall be made to the best responsible
4 bidder. The board of township commissioners shall have
5 authority, by resolution, to adopt a procedure for the sale of
6 surplus personal property of an estimated sale value of less
7 than two hundred dollars and the approval of the board of
8 township commissioners shall not be required for any individual
9 sale that shall be made in conformity to such procedure.

10 The provisions of this clause shall not be mandatory where
11 township property is to be traded in or exchanged for new
12 township property.

13 The provisions of this clause shall not prohibit the sale or
14 exchange of township property to public utilities.

15 The provisions of this clause requiring advertising for bids
16 or sale at public auction and sale to the highest bidder shall
17 not apply where township real or personal property is to be sold
18 to a county, city, borough, town, township, institution
19 district, school district, volunteer fire company, volunteer
20 ambulance service or volunteer rescue squad located within the
21 township, or municipal authority pursuant to the Municipality
22 Authorities Act of 1945, or to a nonprofit corporation engaged
23 in community industrial development or where real property is to
24 be sold to a person for his exclusive use in an industrial
25 development program or where real property is to be sold to a
26 nonprofit corporation organized as a public library, or where
27 real property is to be sold to a nonprofit medical service
28 corporation as authorized by clause LXXII of section 1502, or
29 where real property is to be sold to a nonprofit housing
30 corporation as authorized by clause LXXIII of section 1502. When

1 real property is to be sold to a nonprofit corporation organized
2 as a public library or to a nonprofit medical service
3 corporation or to a nonprofit housing corporation the board of
4 township commissioners may elect to accept such nominal
5 consideration for such sale as it shall deem appropriate. Real
6 property sold pursuant to this clause to a volunteer fire
7 company, volunteer ambulance service or volunteer rescue squad,
8 nonprofit medical service corporation or to a nonprofit housing
9 corporation shall be subject to the condition that when the
10 property is not used for the purposes of the company, service,
11 squad or the corporation the property shall revert to the
12 township.

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

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