

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 3079 Session of  
1994

INTRODUCED BY NAILOR, TRELLO, MERRY, SATHER, MELIO, MASLAND,  
CESSAR, FLEAGLE, FARGO, WAUGH, BARLEY, SANTONI, LEH, TULLI,  
L. I. COHEN, E. Z. TAYLOR, GEIST, GODSHALL, MILLER, LYNCH AND  
MARSICO, SEPTEMBER 28, 1994

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, SEPTEMBER 28, 1994

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 and for letting contracts.

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 December 14, 1989 (P.L.629, No.74), 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 or advertisement of a public auction in  
4 one newspaper of general circulation in the township. Such  
5 advertisement shall be published once not less than ten days  
6 prior to the date fixed for the opening of bids or public  
7 auction, and such date for opening bids or public auction shall  
8 be announced in such advertisement. The acceptance of bids shall  
9 be made only by public announcement at a regular or special  
10 meeting of the board of township supervisors or at the public  
11 auction. All bids shall be accepted on the condition that  
12 payment of the purchase price in full shall be made within sixty  
13 days of the acceptance of bids.

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

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

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

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

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

16 The provisions of this clause requiring advertising for bids  
17 or sale at public auction and sale to the highest bidder shall  
18 not apply where township real or personal property is to be sold  
19 to a county, city, borough, town, township, institution  
20 district, school district, volunteer fire company, volunteer  
21 ambulance service or volunteer rescue squad located within the  
22 township, or municipal authority pursuant to the Municipality  
23 Authorities Act of 1945, or to a nonprofit corporation engaged  
24 in community industrial development or where real property is to  
25 be sold to a person for his exclusive use in an industrial  
26 development program or where real property is to be sold to a  
27 nonprofit corporation organized as a public library for its  
28 exclusive use as a library, or where real property is to be sold  
29 to a nonprofit medical service corporation as authorized by  
30 clause LXXI of section 702 or where real property is to be sold

1 to a nonprofit housing corporation as authorized by clause LXXII  
2 of section 702. When real property is to be sold to a nonprofit  
3 corporation organized as a public library for its exclusive use  
4 as a library or to a nonprofit medical service corporation or to  
5 a nonprofit housing corporation the board of township  
6 supervisors may elect to accept such nominal consideration for  
7 such sale as it shall deem appropriate. Real property sold  
8 pursuant to this clause to a volunteer fire company, volunteer  
9 ambulance service or volunteer rescue squad, nonprofit medical  
10 service corporation or to a nonprofit housing corporation shall  
11 be subject to the condition that when the property is not used  
12 for the purposes of the company, service, squad or corporation  
13 the property shall revert to the township.

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

19 \* \* \*

20 Section 2. Section 802(c) of the act, amended October 4,  
21 1978 (P.L.1026, No.228), is amended to read:

22 Section 802. Letting Contracts.-- \* \* \*

23 (c) (1) The [acceptance] award of bids shall only be made  
24 by public announcement at the meeting at which bids are  
25 received, or at a subsequent meeting, the time and place of  
26 which shall be publicly announced when bids are received. If for  
27 any reason one or both of the above meetings shall not be held,  
28 the same business may be transacted at subsequent meetings:  
29 Provided, That at least five days' notice thereof shall be  
30 published in the newspaper aforesaid.

1     (2) Notwithstanding clause (1), the supervisors may direct  
2     that township staff receive and open bids during normal business  
3     hours and forward the results to the supervisors for subsequent  
4     award at a public meeting.

5         \* \* \*

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