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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 126

Session of  
1985

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INTRODUCED BY STUBAN, FRYER AND SHOWERS, JANUARY 29, 1985

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

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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," further  
4 providing for the sale of land to a volunteer fire company,  
5 volunteer ambulance service or volunteer rescue squad located  
6 within the borough.

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

9 Section 1. Section 1201(4) of the act of February 1, 1966  
10 (1965 P.L.1656, No.581), known as The Borough Code, amended  
11 December 21, 1984 (P.L.1263, No.239), 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 or public auction, and such date of opening of bids or  
27 public auction, shall be announced in such advertisement, and  
28 sale of the property so advertised shall be made to the best  
29 responsible bidder. Council shall have authority, by resolution,  
30 to adopt a procedure for the sale of surplus personal property

1 of an estimated sale value of less than two hundred dollars  
2 (\$200) and the approval of council 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 borough property is to be traded in or exchanged for new borough  
7 property.

8 The provisions of this clause requiring advertising for bids  
9 and sale to the highest bidder shall not apply where borough  
10 real or personal property is to be sold to a county, city,  
11 borough, town, township, institution district, school district,  
12 a volunteer fire company, volunteer ambulance service or  
13 volunteer rescue squad located within the borough, or municipal  
14 authority pursuant to the Municipality Authorities Act of 1945,  
15 is to be sold to a non-profit corporation engaged in community  
16 industrial development or where real property is to be sold to a  
17 person for his exclusive use in an industrial development

18 ~~program, or where real property is to be sold to a redevelopment~~ <—  
19 ~~authority created pursuant to the act of May 24, 1945 (P.L.991,~~  
20 ~~No.385), known as the "Urban Redevelopment Law,"~~ or where real  
21 property is to be sold to a non-profit corporation organized as  
22 a public library for its exclusive use as a library, or where  
23 real property is to be sold to a non-profit medical service  
24 corporation as authorized by clause (76) of section 1202 or  
25 where real property is to be sold to a non-profit housing  
26 corporation as authorized by clause (77) of section 1202 or  
27 where real property is to be sold to the Commonwealth or to the  
28 Federal Government. When real property is to be sold to a non-  
29 profit corporation organized as a public library for its  
30 exclusive use as a library or to a non-profit medical service

1 corporation or to a non-profit housing corporation, council may  
2 elect to accept such nominal consideration for such sale as it  
3 shall deem appropriate. Real property sold pursuant to this  
4 clause to a volunteer fire company, volunteer ambulance service  
5 or volunteer rescue squad, non-profit medical service  
6 corporation or to a non-profit housing corporation shall be  
7 subject to the condition that when the property is not used for  
8 the purposes of the company, service, squad or the corporation  
9 the property shall revert to the borough.

10 \* \* \*

11 Section 2. This act shall take effect immediately.