

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 839 Session of  
1989

INTRODUCED BY BARLEY, MELIO, BROUJOS, FOSTER, GAMBLE,  
D. W. SNYDER, TIGUE, COLAIZZO, NAHILL, RAYMOND, LAUGHLIN,  
HALUSKA, MERRY, SCHEETZ, DISTLER, TRELLO, HERSHEY, CARLSON,  
BELFANTI, STABACK, FARGO, BISHOP, LEE, ROBINSON, COLAFELLA,  
NOYE, FLEAGLE, GLADECK, HERMAN, SCHULER, ARGALL, REBER,  
E. Z. TAYLOR, BELARDI, McCALL, WASS, BUNT, CLYMER, COY,  
JOHNSON, S. H. SMITH, BURD, SEMMEL, DIETTERICK, ITKIN,  
McVERY AND B. SMITH, APRIL 3, 1989

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, APRIL 3, 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 sale of township real  
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

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 or advertisement of a public auction in  
6 one newspaper of general circulation in the township. Such  
7 advertisement shall be published once not less than ten days  
8 prior to the date fixed for the opening of bids or public  
9 auction, and such date for opening bids or public auction shall  
10 be announced in such advertisement. The acceptance of bids shall  
11 be made only by public announcement at a regular or special  
12 meeting of the board of township supervisors or at the public  
13 auction. All bids shall be accepted on the condition that  
14 payment of the purchase price in full shall be made within sixty  
15 days of the acceptance of bids.

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

21 Except as otherwise hereinafter provided in the case of  
22 personal property of an estimated sale value of less than two  
23 hundred dollars, no township personal property shall be disposed  
24 of, by sale or otherwise, except upon approval of the board of  
25 township supervisors, by ordinance or resolution. In cases where  
26 the board of township supervisors shall approve a sale of such  
27 property, it shall estimate the sale value of the entire lot to  
28 be disposed of. If the board of township supervisors shall  
29 estimate the sale value to be two hundred dollars or more, the  
30 entire lot shall be advertised for sale once, in at least one

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

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

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

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

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

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

20 \* \* \*

21 Section 2. This act shall take effect immediately.